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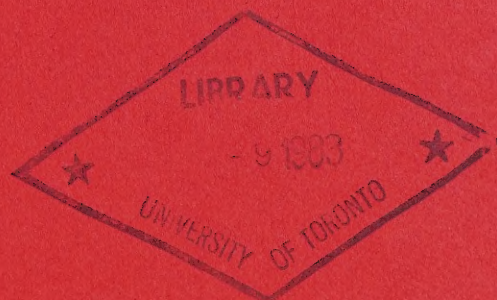
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INTERNATIONAL CONVENTION ON
THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION

FIRST REPORT OF CANADA

September 1971



September, 1971

REPORT BY CANADA ON THE ELIMINATION OF RACIAL DISCRIMINATION

In compliance with the communication to State Parties under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (Annex III), the government of Canada has the honour to present its first report.

SECTION I

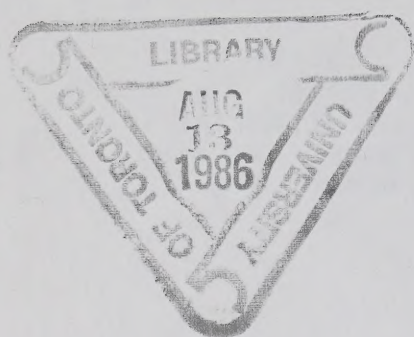
(a) Condemnation of apartheid.

Canada has repeatedly expressed opposition to racial segregation or apartheid through its representatives at the United Nations. In a statement on December 8, 1970, the Parliamentary Secretary to the Secretary of State for External Affairs, at the plenary session of the General Assembly on Item 34, stated:

"In conclusion, Mr. Chairman, I wish to reiterate the emphatic opposition of the Canadian Government and people to the practice of apartheid and our support for a wide range of peaceful measures against apartheid including several which have been approved by the Special Political Committee. As I have stated, Canada fully complies with the arms embargo against South Africa and we hope that all members of the United Nations will find it possible to observe it."

(b) Legal prohibition of racial discrimination in Canada.

- (1) Prohibition of discrimination in the Civil Code (Quebec) and the common law.



In the years prior to the passing of specific Human Rights legislation, under the Civil Code of Quebec and the common law in other provinces the concept of racial discrimination as an offence in itself gained ground against the older "right" of freedom of commerce.

However, as late as 1960, in Alberta, the common law permitted discrimination by public accommodations as shown in King v Barclay¹, in which a motel refused accommodation to a Negro. The common law had established the obligation of "innkeepers and common carriers" to accept all travellers if they had room and if the traveller was presentable and conducted himself in an orderly manner. The court ruled, however, that a motel was not an "inn" because it did not provide both food and lodging.

But in 1966, in Quebec, in the case of Gooding v Edlow Investment Corporation², the court allowed damages for breach of the agreement to grant a lease for an apartment, and damages for the nervous shock and illness which the plaintiff, who was coloured, experienced as a result of discrimination. The judgement in this case stated that all racial discrimination is illegal because it is contrary to public order and good morals.

(2) Jurisdiction in human rights.

A division of jurisdiction between the federal and provincial governments of Canada is set forth in Sections 91 and 92 of the British North America Act. Thus the Canadian Bill of Rights limits its provisions to "matters coming within

1 X. (1966) Qué. C.S. 436 (1965)

2 X. West Weekly R.451 (Alta. Dist. Ct. 1960)

the legislative authority of the Parliament of Canada", and therefore, the Canada Fair Employment Practices Act is limited to the section of the economy which is under federal jurisdiction. Nine of the ten provinces of Canada now have Human Rights acts and enforcement mechanisms which in each case apply to matters within the authority of that province.

(3) Canadian Bill of Rights (1960)

Section 1 of the Canadian Bill of Rights states that certain basic freedoms are to be enjoyed by Canadians "without discrimination by reason of race, national origin, colour, religion or sex." The rights include: the right of the individual to life, liberty, security of person and enjoyment of property, and the right not to be deprived thereof except by due process of law; equality before the law and the protection of the law; freedom of religion; freedom of speech; freedom of assembly and association; and freedom of the press.

(4) Canada Fair Employment Practices Act (1953)

This Act applies to all enterprises under federal jurisdiction, such as major systems of transport and communication, and the operations of Crown companies. It does not apply to those employed in the government service. The Public Service Employment Act prohibits discrimination against persons by reason of race, colour, nationality or national origin, in aspects of employment such as hiring and dismissal, advertising and application, or in the use of employment agencies which discriminate. Trade unions and employers' associations are prohibited from discriminating against persons making complaints

or giving evidence under the Act.

"Bona fide occupational qualifications" may, however, be set forth in advertisements and application forms within a narrow range of exceptions to the general provision against discrimination. Exemptions from the prohibitions are also provided for: employers with less than five employees; non-profit charitable, philanthropic, educational, religious, fraternal or social organizations; non-profit organizations promoting the welfare of a religious or racial group; and actions required for the security of Canada and her allies.

(5) Anti-discrimination in provincial legislation.

Fair employment practices and fair accommodation practices have been prescribed by law in most provinces for more than a decade: these provisions are now embodied in Human Rights acts in nine of the ten provinces: Ontario Human Rights Code (1962); Nova Scotia Human Rights Act (1963); Saskatchewan Bill of Rights (1965); Alberta Human Rights Act (1966); New Brunswick Human Rights Act (1967); Prince Edward Island Human Rights Code (1968); British Columbia Human Rights Act (1969); Newfoundland Human Rights Code (1969); Manitoba Human Rights Act (1970); Quebec Employment Discrimination Act, Hotels Act, Freedom of Worship Act (revised statutes 1964) and Manpower and Vocational Training and Qualification Act (1970).

The Ontario Human Rights Code which has to some extent set the example followed by similar legislation in other provinces, states in its preamble a principle directly based on the 1948 Universal Declaration of Human Rights: "Whereas, it is public

policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin."

The nine provinces which have passed Human Rights legislation incorporate all or most of the following features in those acts: the prohibition of discrimination on the basis of race, colour, ethnic or national origin in such matters as: Publications and displays; admittance to public places; occupancy of self-contained dwelling units; any term or condition of employment; membership in a trade union or other occupational association; advertisements or applications for employment; contracts.

Manitoba has a Law of Property Act and Ontario has a Conveyancing and Law of Property Act which provide specifically against discriminatory covenants in real property deeds. Ontario's Insurance Act provides against discrimination by insurers.

(6) Immigration Law.

Canada is a country of heavy immigration, and has been since the early 1900's when the government "opened up the West". There have been various "tides" of immigration; in its first one hundred years of nationhood (1867 to 1967) Canada admitted 9,3581,777 immigrants. During the 1960's and '70's the annual immigration has ranged from 71,689 to 222,876. The result is an unusually diverse population, in addition to the two basic groups of French and English origin.

In 1967 Canada's immigration law was changed to eliminate any discrimination, or appearance of discrimination, against

particular areas of the world in the application of relatives of Canadian citizens and residents to come to Canada. Formerly certain geographic areas were restricted to a smaller quota of such applications.

Canadian citizens or permanent residents are entitled to bring their dependents to Canada. Dependents include husband or wife; fiance or fiancée; unmarried sons and daughters under 21; parents or grandparents over 60- or younger if they are widowed or unable to work - and orphaned brothers, sisters, nephews, nieces or grandchildren under 18. Such sponsored dependents are required only to be in good health and of good character.

An additional wide range of less closely dependent relatives, such as adult sons and daughters, brothers and sisters, uncles and aunts, receive preferred treatment in applying for admittance to Canada. They are required to comply with only some of the general factors, such as education and occupational skill, used in assessing independent applicants.

Canada's overall immigration policy is outlined clearly in an assessment system based on ability to meet the economic and manpower requirements of the country, and is universally applied. All references to racial origin have been removed from immigration documents. Independent applicants are subject to a reasonably flexible assessment in such matters as knowledge of English or French and definite offers of employment in Canada.

In introducing the revised policy in 1967 the Manpower and Immigration Minister said: "With these Regulations I believe we

can abolish discrimination, pay more regard to the claims of family relationships, act with both greater efficiency and greater compassion than in the past and, through an expansionist immigration policy, serve the manpower needs of our growing Canadian economy."

(c) Implementation of anti-discrimination policies.

(1) The federal jurisdiction.

Administrative responsibility under the Canadian Bill of Rights is assigned to the Minister of Justice. The primary method of enforcement is through its effect on the construction and application of other federal laws. Although various court cases have revealed an ambiguity in respect to superseding other laws where there appears to be conflict, a recent case involving an Indian (Regina v Drybones³) was taken to the Supreme Court of Canada which upheld the anti-discrimination clause in the Bill of Rights. The case involved an Indian who was intoxicated, which is an offence under s.94(b) of the Indian Act. Since no such law applies to non-Indians, the effect was to discriminate against Indians, and that provision of the Indian Act was declared inoperative by the Supreme Court (1968). The reasons of the court stated by Mr. Justice Ritchie interpreted the Bill of Rights to mean "at least that no individual or group of individuals is to be treated more harshly than another under that law (any Acts of Parliament and any orders, rules or regulations thereunder), and I am therefore of opinion that an individual is denied equality before the law if it is made an offence punishable at law, on account of his race, for him to do something which his fellow

3. (1970) 9. Dominion Law Reports (3d) P. 473.

Canadians are free to do without having committed any offence or having been made subject to any penalty."

Some concern has been expressed by responsible bodies over the lack of a Human Rights Commission at the federal level, to enforce the Bill of Rights and to conduct a positive educational programme against discrimination. In its 1969 Memorandum to the federal Cabinet, the Canadian Labour Congress said:

"We would, in fact, urge the establishment of a permanent Human Rights Commission fully staffed and able to engage in a comprehensive program concerning human rights within the federal domain."

The Report of the Royal Commission on the Status of Women in Canada (1970) recommended that a federal Human Rights Commission be created, along with similar Commissions in those provinces and territories that have not yet established them, to "have power to investigate the administration of human rights legislation as well as the power to enforce the law by laying charges and prosecuting offenders,...to suggest changes in human rights legislation and promote widespread respect for human rights."

The federal Fair Employment Practices Act which is now part of the Canada Labour Code, is administered by the Fair Employment Practices Branch set up in 1967 within the Canada Department of Labour. The Branch has a director and full-time staff. In compliance with the Act, there is a recognized pro-

cedure for the receipt of individual complaints, with a guarantee that they will be investigated and resolved. Conciliation is attempted where investigation shows that a complaint is valid. If this is ineffective, a public inquiry is held and this leads to a binding order by the administrative authority, the Minister of Labour.

Although the Fair Employment Practices Act does not apply to the public service, the Fair Employment Practices Branch is from time to time assigned the responsibility for enforcement of cases involving public servants. The Public Service Employment Act proscribes discrimination on grounds of sex, race, national origin, colour or religion in the setting of selection standards for the public service, but has no enforcement procedure of its own. In 1971, a complaint was lodged in Ottawa by Jules Demicher, who had come to Canada in the expectation of receiving a job in the public service, and who was not able to assume the promised position due to a merger of two departments. The complainant's charge of discrimination was not proved, but the loss he incurred as a result of his move to this country was declared to be valid grounds for awarding him a payment of \$22,416.00, which was accepted as settlement.

(2) The provincial jurisdiction.

In most of the provinces, the Human Rights acts are administered by permanent Human Rights Commissions which deal with complaints or may initiate action on behalf of aggrieved persons, and which have additional duties to carry out educational programmes to prevent racial discrimination. In some provinces, however, the Minister of Labour or the Attorney-General is given

direct responsibility for administering the Act.

The usual procedure is to attempt conciliation, if a complaint appears to be valid. This is carried out in a direct but highly flexible manner, leading in most cases to a satisfactory settlement. The Ontario Human Rights Commission says of its work:

"If the complained-of matter involves an apartment, the respondent will be urged to act in good faith and offer the complainant an apartment; if it is a job, he might offer the individual immediate employment or assure him that within a given period of time, employment will be forthcoming; if he has denied the complainant a haircut he is asked to cut his hair; if he has denied resort accommodation, he will be required to offer it during the same or the following summer."

The investigator who detects discrimination seeks not only to settle the case but to start a process of re-education with the respondent. He may not only discuss the principles involved with an employer, but assist the employer to develop a human rights programme for the employees. Settlements generally involve the requirement that the firm, or landlord, post the Human Rights Code (Ontario) on the premises for the enlightenment and reassurance of the employees or tenants and of the public.

If conciliation is met with hostility, the respondent is warned that a public board of inquiry will be held, and respondents who operate businesses depending in large measure on public goodwill usually prefer to avoid this public exposure.

If the respondent fails to comply with the orders of the Board, he may be prosecuted through the courts. The respondent,

for his part, has access to the whole structure of appeals in the courts.

In Ontario, by January 1970, the Human Rights Commission had handled 2,116 formal complaints, had held only 75 Boards of Inquiry and conducted only two prosecutions.

A recent case in Ontario involving a charge of discrimination in accommodation revealed an apparent inadequacy in the law. Under a 1971 decision of the Supreme Court of Canada (Bell v the Ontario Human Rights Commission and McKay)⁴ only "self-contained accommodation" is subject to the prohibition against discrimination. Thus rented rooms or flats with shared bathrooms are outside the law. Following this decision, a subsequent case involving a coloured woman who wished to rent rooms had to be dismissed by a Board of Inquiry, which however, pointed out that the law was inadequate because it allowed discrimination against low-income people who are obliged to rent shared accommodation.

(3) Legal aid.

Four provinces in Canada: Ontario, British Columbia, Alberta and Manitoba, have legal aid plans, covering both civil and criminal cases, which provide legal counsel to accused persons who have not sufficient means to retain a lawyer from their own resources. Such legal assistance is of service to the population generally but has been specifically requested on behalf of native people by a number of inquiries into race problems in Canada.

In August, 1971, the federal government introduced a legal aid program for the Northwest Territories. It will make the services of a lawyer available in almost all criminal offences, and within a broad range of civil matters, to anyone who "cannot afford to retain his own lawyer without depriving himself or his dependents

of reasonable necessities or without sacrificing modest capital assets." It should be of particular importance to the large numbers of low-income native people of the north.

Legal aid is now available under the Indian Act to Indian people in cases where the maximum sentence is life imprisonment. In addition legal costs of certain civil cases may be borne if the matter in dispute is of special importance (e.g. a question of interpreting treaties).

Five provinces have established the office of ombudsman or Parliamentary Commissioner (in Quebec, Public Protector) to receive and act on complaints of individuals against the public authority.

(4) Immigration Appeal Board.

An immigration Appeal Board, independent of the Department of Manpower and Immigration, was established by federal statute in 1967. It hears appeals against deportation from Canada, and appeals where an application for admission of a relative has been refused. The Board constitutes a court of record, and its orders are enforceable, and are subject to appeal to the Federal Court of Canada.

The operation of the Board has been chiefly in respect to cases involving the status of persons charged with being illegally in Canada - with failing to be admitted through proper immigration procedures. Deportation orders can be quashed if the Board has reasonable grounds for believing that the person, if deported, will be punished for activities of a political nature or will suffer unusual hardship, or on other compassionate or humanitarian grounds. The Board is considered to be free of discrimination in regard to race or ethnic origin, since these factors have been removed from the assessment of applications for immigration to Canada.

Anyone served with a deportation order is immediately informed

of his right of appeal. Translation services are provided by the Board for both written and oral submissions. Financial assistance is provided to an appellant to attend the hearing of his case if this is required, and if he is being held in detention, release may be granted to permit him to attend the hearing.

4. Immigration Appeal Board Act - Security.

"21. (1) Notwithstanding anything in this Act, the Board shall not, (a) in the exercise of its discretion under section 15, stay the execution of a deportation order or thereafter continue or renew the stay, quash a deportation order, or direct the grant of entry or landing to any person, or (b) render a decision pursuant to section 17 that a person whose admission is being sponsored and the sponsor of that person meet the requirements referred to in that section, if a certificate signed by the Minister and the Solicitor General is filed with the Board stating that in their opinion, based upon security or criminal intelligence reports received and considered by them, it would be contrary to the national interest for the Board to take such action.

(2) A certificate purporting to be signed by the Minister and the Solicitor General pursuant to subsection (1) shall be deemed to have been signed by them and shall be received by the Board without proof of the signatures or official character of the persons appearing to have signed the same unless called into question by the Minister or the Solicitor General, and the certificate is conclusive proof of the matters stated therein."

SECTION IIResponsibility of public authorities not to practice discrimination.

All the foregoing statutes and regulations serve to establish the principle that discrimination by reason of race is prohibited in Canada as a matter of public policy.

In dealing with its own employees, the government of Canada has stated in the public Service Employment Act that there will be no discrimination in selection standards on grounds of race, national origin or colour. The same provision appears in the Civil Service Act of Nova Scotia. In Ontario, in 1965, the Human Rights Code was amended to cover specifically the provincial government itself and all its agencies. The Manitoba Human Rights Act (1970) states: "The Crown, and every servant and agent of the Crown, is bound by this Act." The same statement appears in the Saskatchewan Bill of Rights (1965) and a similar statement in the Alberta Human Rights Act (1966), the New Brunswick Human Rights Act (1967) and the Newfoundland Human Rights Code (1969). The British Columbia Human Rights Act (1969) provides that the provincial government, municipalities, boards of school trustees or hospital boards within the province include in their contracts provisions to secure the observance of non-discrimination.

Non-discrimination in Crown corporations under federal control is covered in two ways. The Fair Wages and Hours of Labour Regulations prohibit discrimination by any contractor who has entered into an agreement with the government, and the violation of this clause constitutes a breach of contract. The Central

Mortgage and Housing Corporation enforces the non-discrimination condition in federally insured mortgages by refusing to insure further loans to the same borrower for three years after the discrimination.

SECTION III

(a) Study of discrimination against ethnic groups.

The Royal Commission on Bilingualism and Biculturalism, although its main concern was with equality of treatment of the two official languages and the cultures of the two founding races of Canada, also published in 1969 a volume entitled "The Cultural Contribution of Other Ethnic Groups" (Book IV). The Commission considered that the problems of the native population were outside its terms of reference, but it reviewed the position in Canadian society of groups of other origins such as German, Polish, Scandinavian, Chinese, Japanese, Negro, Ukrainian, Italian, Hungarian and Jewish (mainly from Central Europe). They pointed out that 30 ethnic origin categories were identified in the 1961 census, and that 26 per cent of the population was by extraction, neither English nor French. Some groups were maintaining their own cultural institutions such as the Canadian Jewish Congress and the Canadian Polish Congress; others preserved little sense of cultural identity.

The Commission recommended that new legislation clarifying the status of the English and French languages should contain the provision that nothing in such statutes "should be taken to diminish or restrict the use, as established by present or future law or practice, of any other language in Canada."

The Commission also recommended that "all provinces that have not yet enacted fair employment practices, fair accommodation practices, or housing legislation prohibiting discrimination because of race, creed, colour, nationality, ancestry, or place of origin, do so; and that this legislation be made binding upon the Crown and its agencies. We further recommend that all provinces make provision for full-time administrators of their human rights legislation."

The Commission observed that although some covert discrimination based on race still exists in Canada, the situation has vastly improved since the Second World War, particularly for such groups as the Japanese Canadians who were evacuated from the West Coast and suffered confiscation of their property during hostilities, but are now assuming a proportionately acceptable role in the professions and other occupations in central Canada. The tendency of such groups as those of Jewish or Italian origin to cluster in specific occupations is due to former practices of directed immigration and open restriction, but no such overt measures are now applied and the distribution of these groups among other occupations is gradually improving.

In regard to political rights, the Commission pointed to one area of continuing discrimination, the length of time required before the right to vote is extended to an immigrant. For those who are British subjects the waiting period after entry is only one year; for all others, the period is five years. The Commission stated:

"It is also slightly easier for a British subject to file an application for citizenship than for an immigrant from a country

+ / .

outside the Commonwealth. British subjects may file an application directly with the Registrar of Canadian Citizenship, whereas anyone else must file an application through his local court or a Citizenship Court, unless he lives more than 50 miles from a court. In the past, the familiarity of British subjects with the English language and with political institutions similar to Canada's was at least a partial justification for this distinction. Now, the educational level of many non-British immigrants renders the distinction between British subjects and other immigrants anachronistic. Therefore, we recommend that the same conditions for citizenship, the right to vote, and to stand for election to public office be accorded to all immigrants, with no regard to their country of origin."

(b) Prohibition of dissemination of racial hatred.

In 1970, the Criminal Code of Canada was amended to prohibit hate propaganda.

It provides that anyone who advocates or promotes genocide is liable to imprisonment for five years. Genocide is defined as an attempt to destroy in whole or in part, any identifiable group, either by killing or by inflicting conditions calculated to physically destroy. The "identifiable group" refers to any section of the public distinguished by colour, religion or ethnic origin.

It also provides that anyone who publicly communicates statements which incite hatred against such a group is liable to imprisonment for two years, on summary conviction. However, he cannot be convicted if the statements communicated were true, or were relevant to any subject of public interest, the discussion of which was for the public benefit and that on reasonable grounds he believed them to be true.

Publications may be seized under this act.

The passage of the Act followed publication of a report (in 1965) of a Special Committee on Hate Propaganda in Canada. In its preface the report said, "An attempt is made here to re-examine, therefore, the parameters of permissible argument in a world more easily persuaded than before because the means of transmission are so persuasive." Hate propaganda was found to be directed chiefly against Jewish, but also against Black and other non-white, and religious, minorities. The Committee concluded that "minority groups in Canada are entitled to the assurance that society protects them not only against physical attack, but also against threats and vilifications directed at them solely because of their religion, colour, race, language, ethnic or national origin."

Opposition to the Bill concerned interference with freedom of speech and, therefore, unconstitutionality under the Canadian Bill of Rights. The Bill was passed by the Canadian Parliament but has not, so far, been tested in the Court.

SECTION IV

(a) Integrationist activities.

Cultural diversity is valued as a positive factor in Canadian life, and individual ethnic cultural organizations flourish to the extent that members of a particular ethnic background desire them. These Cultural organizations receive grant support from governments for their programs. However, on a . . . plane and on festive occasions there are many efforts made by governments to involve various cultural groups.

Immigrants receive free English or French language classes. Institutions such as the Friendship Centres in many communities serve to introduce migrating native people to the urban scene. These Centres are supported by government funds.

At the university level, programmes are offered in various areas such as Russian, Slavic, Asian, Near Eastern, Celtic, Latin American and West Indian studies. Some institutes of native Indian studies have also been initiated.

(b) Special measures to assist the development of native people.

It is estimated that about a quarter of a million Indians and Eskimos inhabited what is now Canada when Europeans arrived a little over four centuries ago. Disease and warfare took a heavy toll, reducing the native population to about 100,000 by the beginning of this century. The population has now risen, due to natural birth coupled with better health provisions by the Canadian Government. The present registered Indian population is about 250,000, belonging to 558 bands and ten main linguistic groups. The "registered" Indians are those recognized by the Indian Act, under the jurisdiction of the federal government. Other Indian people have given up their Indian status or have lost it, if female, by marrying non-Indians; another large group is of mixed blood, known as Metis, and these groups are under the same jurisdiction as the non-native population.

The Royal Commission on the Status of Women in Canada, as a result of petitions received, included in their Report (1970): "We recommend that the Indian Act be amended to allow an Indian woman upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children."

There are about 13,000 Eskimos in five main cultural groups.

Under the Royal Proclamation of 1763 and subsequent treaties, reserve lands were set aside for Indians in perpetuity, to be administered by the federal government. The services of provincial governments, such as education, land development, road construction and other financial aid have not been available to them. Federal services, however, including church-supported schools, were inadequate. Through negotiation between the governments, many provincial social services, particularly education, are now extended to Indians. The right to vote was granted in 1960. Hunting rights and fishing rights, guaranteed under treaties, have in many instances been superseded by restrictive provincial and federal laws. The matter of treaty rights, and of aboriginal rights generally, are now under scrutiny.

Both Indians and Eskimos are disadvantaged socially and economically. It was largely for this reason that a proposal in a federal government white paper in June, 1969, to rescind the Indian Act and initiate integration of the Indian people, was rejected by the native groups. It was felt that much needed to be done to achieve equity for the Indians in Canadian society, before their formal status as a special group was altered.

The Indian Act was first passed in 1860, and underwent major revisions in 1952 and 1970. Indian Affairs was administered as a Branch of various departments; it is now the major administrative function of the Department of Indian Affairs and Northern Development.

Until 1960, registered Indians were not eligible for appointments in the public service. In 1968 there were about 40 Indians in the Department; now an active recruiting programme under an Indian administrator has brought the number to about 100, with about 35 in administrative positions. The recruiting programme now opens 25 training positions in the Department each year to young Indians in government agencies, such as Air Canada.

Seven Indian associations in the main areas of Canada have now signed Community Development Agreements with the federal government, to assume responsibility for economic programmes formerly operated by the government.

The Band Councils are rapidly taking over the provision of community services such as housing capital, roads, water and sewer installation, formerly carried out by the federal government. Over \$6,000,000 has been set aside to cover the Council's administrative costs, and an estimated \$28,000,000 will be paid into the operating costs of these services this year. A number of Bands have assumed responsibility for policing their reserves. Indian constables have been trained with the cooperation of the Royal Canadian Mounted Police and are paid by grants from the federal government.

The province of British Columbia permits the incorporation of Indian reserve village municipalities; the provinces of Alberta and Saskatchewan have recently vacated the field of local taxes on reserves; other provinces give grants to Bands for local administration.

Nearly 60 per cent of all Indian children are now enrolled in provincial schools; in most cases, unless isolated, they are integrated with local white children. Concern is expressed at the drop-out rate, and there is now increased emphasis on cultural enrichment to Indian children at an early age, and on bringing Indian culture into the content of the school programme. Indian women are being trained as teacher aides in pre-school programmes. \$55,000 in federal funds went to Indian communities in 1969-70 to provide libraries.

Efforts to improve and expand schools for Eskimo children in the north have included the use of Eskimo languages and special training for teachers.

University, teacher training, nursing and vocational training scholarships are available for Indian and Eskimo students. In 1969-70, 8,817 Indians took vocational training and 735 took professional or university training. Funds are also directed into the development of Indian and Eskimo traditional and present-day arts and crafts.

As a result of the expressed need of the Indian people to be able to speak for themselves in all these efforts, grants are being made by the federal government to assist native organizations, the largest of which is the National Indian Brotherhood. In the fiscal year 1970-71, appropriations by the Indian Affairs Department for such organizations was \$1,500,000. Efforts are being made to organize the scattered Eskimo population.

Other departments such as the Department of the Secretary of State and the Department of National Health and Welfare have initiated various programmes which are broader in concept in that they are not limited to the "registered" Indians under the Indian Act. The Secretary of State Department has made studies in the fields of education and social adjustment of Indians and Metis in urban society. A grant has been made to the Saskatchewan Metis Society for social development. Funds have been granted to maintain Friendship Centres which now number 17 in urban communities across Canada. The Secretary of State Department's on-going programme in Human Rights and native participation amounts to \$4,026,000 for native Friendship Centres, native Communications Societies, Core support for native organizations, and Human Rights seminars and research.

The Department of Regional Economic Expansion, not primarily established to assist minorities disadvantaged by race and colour, is nevertheless operating four programmes which provide vocational training for special groups.

The Canada Newstart Programme originated in 1966 and is designed to identify and test new ways of training and counselling disadvantaged people so that they can more effectively respond to employment opportunities. The programme was implemented through the establishment of independent corporations under provincial law. Each corporation has an annual budget of approximately one million dollars with which to design and implement its experimental programme. Six of these bodies are now in operation, one in each of the provinces of P.E.I., Nova Scotia,

New Brunswick, Manitoba, Saskatchewan and Alberta. The latter three are concerned mainly with Indians and Metis.

Under the Agricultural Rehabilitation and Development Act, which is a programme jointly administered by the federal government and each of the provincial governments, a variety of projects are included which provide Indians and Metis with practical training and employment. Projects include land clearing for agricultural development, pasture extension, growing and marketing of wild rice, and outfitting and guiding. Training covers such fields as guiding, park management, agricultural work, pasture management and co-op and small business management. A recent developemnt has been the creation of a special training centre in Saskatchewan designed to provide combined instruction for members of Indian and Metis families. The families will reside in individual homes within this complex for a period of one year, during which academic training will be provided for the children, home-management training for the women and a variety of technical training together with needed basic educational upgrading for the men.

The third broad scheme of which Indians and Metis are the main beneficiaries, is the Fund for Rural Economic Development plan which is operative in the Interlake region of Manitoba. This is a joint federal-provincial agreement to implement comprehensive rural development projects, and under the scheme the manpower training effort is largely intended to meet the needs of some 10,000 persons of native ancestry in this area.

Another scheme involving the training of native people in the operation of community pastures under the Prairie Farm Rehabilitation Act. This development, which commenced during the spring of 1969, provides training in the management and operation of community pastures. To date, it has applied only to Indians whose reserve lands in that area include some 1.2 million acres suitable for grazing.

(c) Assistance to Black Canadians and others.

The largest Black community in Canada is in Nova Scotia, where approximately 18,000 people, descendants of American refugee slaves brought into Canada in the War of 1812, live in some completely Black villages and in suburban areas adjacent to Halifax. Economically and socially, they require special measures to achieve an equal status with other Canadians. Their conditions of poverty extend back many years, but very recently the arrival of new people from other parts of Canada and the Carriibbean, has brought in skills, experience, and determination to improve their position.

Late in 1968, a conference of Black people established the Black United Front to engage in research studies and community development with the assistance of the federal government. A five-year funding programme totalling almost \$500,000 was undertaken the following year, involving the Department of the Secretary of State and of National Health and Welfare.

Some progress has been made in new housing construction and improved community facilities, and a special incentive programme to promote employment of Negro youth has been undertaken in Halifax.

Federal government aid has also been given for social development through involvement of the Greek community; and to the Portugese Social Service Centre of Toronto.

(c) Education programmes to remove racial discrimination.

(1) Under Human Rights legislation.

Where Human Rights Commissions exist in the provinces, it is one of their recognized duties to develop and conduct educational programmes. The extent of the programmes varies. In general, they consist of publications, talks, seminars and workshops. In Alberta and Ontario, for example, pamphlets on human rights are published in a number of different languages. Often, for example in Alberta, the teachings of human rights is encouraged in the public school system. The Commissions have also sponsored a number of research studies in the field of intergroup relationships and human rights.

Ontario, the largest province, was the first to appoint a Human Rights Commission, and it has the most highly developed educational programme, although its programme is duplicated in varying degrees in other provinces. The Ontario Human Rights Code states, as one of its main objectives: "To create a climate of understanding and mutual respect among our people so that all will be afforded the unhampered opportunity to contribute their maximum to the enrichment of the whole community."

The Ontario Commission operates on the principle that it is impossible to separate the investigation and conciliation of complaints, the first of its functions, from a broadly based

education programme. Thus, its first move in case of discrimination is to conciliate through direct settlement of the specific complaint, accompanied by a discussion of the issues and often by posting copies of the Code and arranging for distribution of literature in the establishment concerned.

Through its educational role, the Ontario Commission reaches organizations exempted under the Code: religious, philanthropic, educational, fraternal or social organizations. Such organizations are frequently, by their very nature, limited to particular groups, and hence it is difficult to apply anti-discrimination regulations in their broadest sense.

Beyond these direct measures related to specific complaints, the Commission conducts a broad educational campaign including bulletins, pamphlets, posters, talks, films, displays, short messages on radio and television, conferences, and the development of a specialized human rights library available to the public. Literature is published in eleven different languages. A monthly publication, "Human Relations", is widely distributed. In 1969, a "Storefront Office" was opened by the Commission in a large urban centre. It offers advice and assistance to immigrant working people, employing a large group of interpreters.

An important function of the Human Rights Commission is research, usually conducted at the instigation of the Commission, but under university auspices.

(2) Under federal government programmes.

The Federal Fair Employment Practices Branch considers education as an important function of its work. A notable

development in national policy is the promotion of affirmative action by governments, employers and unions - not just to eliminate discrimination but to extend practical assistance and encouragement to historically socially-disadvantaged groups, such as Indians, Eskimos, and Blacks, so that they will come forward for training and employment in increasing numbers. The Department of the Secretary of State is responsible, nationally, for a broad-scale educational programme in the field of human rights. It is also responsible for the national interest of the government in this field. The goals of this programme are the preservation and protection of human rights and fundamental freedoms, of which racial discrimination is an important part.

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INTERNATIONAL CONVENTION ON
THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION

SECOND REPORT OF CANADA

July 1971 to June 1973



INTERNATIONAL CONVENTION ON
THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION

SECOND REPORT OF CANADA

July 1971 to June 1973

Report by Canada on the Elimination of Racial Discrimination

Second biennial report, July 1, 1971 to June 30, 1973

Citizens' Rights and Freedoms Section, Citizenship Branch,
Department of the Secretary of State, 130 Slater St. Ottawa.

November -9, 1973.

REPORT BY CANADA ON THE ELIMINATION OF RACIAL DISCRIMINATION

Second biennial report, July 1, 1971 to June 30, 1973

In compliance with the terms of the International Convention on the Elimination of all Forms of Racial Discrimination, with particular reference to Article 9(1), the Government of Canada has the honour to present its second report.

INTRODUCTION

The Report is presented according to the form outlined in the Guide received from the Committee on the Elimination of Racial Discrimination, February 1970. Its contents are as follows:

- I. A review of government announcements, legislative changes and relevant decisions of the court, in respect to:
 - (a) condemnation of racial segregation and apartheid;
 - (b) prohibition and elimination of racial discrimination and assurance of effective protection and remedies;
 - (c) provision and operation of effective tribunals to assure protection against racial discrimination.
- II. A review of the degree to which the legislative prohibitions and the jurisdiction of the tribunals relate specifically to the action of the State itself.
- III.
 - (a) Action taken to review legislation and various aspects of administration with a view to the elimination of racial discrimination;
 - (b) Action in regard to prohibiting the dissemination of ideas based on racial superiority or hatred.

- IV. (a) Programs and policies relating to the encouragement of multiracial activities, and assistance to minority racial groups;
- (b) Programs and policies relating to the positive advancement of native peoples;
- (c) Educational programs directed toward the elimination of racial discrimination.
- I. (a) In line with many previous statements of opposition to apartheid, the Canadian Prime Minister concurred in the recent communiqué of the Commonwealth Heads of Government in conference in Ottawa in 1973. This communiqué said in part: "While recognizing that there are complex and difficult problems involved, heads of government were agreed in their opposition to apartheid and minority rule in southern Africa. They therefore recognized the legitimacy of the struggle to win full human rights and self determination".

Canada as a member of the Commonwealth also concurred in the further statement: "The Heads of Government reviewed the efforts of the indigenous people of the territories in southern Africa to achieve self determination and independence, and agreed on the need to give every humanitarian assistance to all those engaged in such efforts".

(b) Legislation passed by the Parliament of Canada included:

- i. An Amendment to the Canada Elections Act, which has the effect of removing the preference accorded British subjects over other non-citizens of Canada. Formerly British subjects who had resided in Canada for one year were permitted to vote in general elections on the same basis as Canadian citizens. This has been changed, with the proviso that British

subjects who had been eligible to vote prior to June 26, 1968 may continue to be eligible until June 26, 1975. This Amendment was operative for the first time in the general election of October 30, 1972.

ii. A revised Unemployment Insurance Act which in Part VII Section 140(2) (b) prohibits discrimination in referring a worker for employment on the basis of race, national origin, colour, sex, marital status, age or political affiliation.

Legislation passed by the provincial Legislatures of Canada included:

i. Two complementary Acts of the Legislature of Alberta, entitled the Individuals' Rights Protection Act (1972) and the Alberta Bill of Rights Act (1972). These Acts replace the former Human Rights Act. The first is designed to protect persons from discriminatory acts and practices in society at large: it sets out a Code of Conduct relative to accommodation, employment and publication or display, and it provides for a Human Rights Commission to administer its provisions. The second proclaims the human rights which shall obtain within the province, and serves as a check on the public authority, to prevent discrimination in any statute or regulation of the Government of Alberta.

In the Individuals' Rights Protection Act, it is prohibited to publish notices, signs, symbols or other representations which indicate discrimination or an intention to discriminate. An exception is permitted in a statement of purpose or a membership qualification in a non-profit organization.

composed exclusively or primarily of persons having the same ancestry or place of origin, but in such cases the representation must appear in terms that are not derogatory, offensive or otherwise improper.

Under this Act, non-profit organizations as employers are no longer exempt from the prohibition against discrimination in employment. There is also a change from previous legislation in that the prohibition against discrimination in granting membership in an association is broadened to include any "occupational association" meaning any organization in which membership is a prerequisite to carrying on a trade, occupation or profession.

ii. The Saskatchewan Human Rights Commission Act (1972) provided for the establishment of a Commission to administer the province's Bill of Rights Act, Fair Accommodation Act and Fair Employment Practices Act. An Amendment to this Act in 1973 made its operations and decisions binding on the Crown and every servant and agent of the Crown.

iii. The New Brunswick Human Rights Code (1971) replaced the former Human Rights Act, and broadened its provisions to prohibit discrimination on the basis of ancestry or place of origin, as well as race, colour, religion or national origin. The new Code prohibits discrimination in applications for membership in professional, business or trade associations on the basis of race, colour, place of origin or ancestry.

iv. A Quebec Act Respecting the Lease of Things (1973) was referred to the Parliamentary Justice Committee, preliminary to final consideration in the Legislature (Assembly). This Act will establish at the contractual level, rules generally admitted in comparative law, in Quebec jurisprudence and in several laws of the province of Quebec. It will provide that in a contract to lease "Every clause that is discriminatory by reason of the race, creed, sex, colour, nationality, ethnic origin, place of birth or language of a lessee is without effect".

v. Three Saskatchewan Acts related to the social development of minority racial groups, the Act to Establish the Department of Northern Saskatchewan (1972), the Act to Establish the Department of Culture and Youth (1972), and the Act to Provide for the Promotion of the Development of Human Resources (1972).

The first of these coordinates and extends assistance to residents in the northern areas of the province, where the population is roughly one-half Indian and Métis, in matters of health, education, social services, agricultural improvement, industrial development and local administration.

The second coordinates and extends programs and activities for the "cultural", physical and social development" of "any class or classes of persons within the province". Such programs would benefit various ethnic cultural groups.

The third is concerned with individual and community development, and its provisions have considerable significance within those localities where the population is largely native. The Human Resources Development Agency under this Act

is required to "foster awareness among people of their individual opportunities and their communities' problems" and assist in formulating goals, and further to "facilitate and assist individuals and local communities to design and implement programs to provide income and employment or otherwise raise the quality of life in any specified area".

In May 1972 the Canadian Association of Statutory Human Rights Agencies was formed to promote co-operation among those responsible for the implementation of human rights legislation. Several departments of the ten provinces and the territories are eligible to participate in annual conferences and to use the facilities of CASHRA as a clearing-house for information.

Recent court decisions have exposed areas in which there would appear to be a conflict between some of the provisions of the Indian Act and of the Canadian Bill of Rights. While the purpose of the latter is self-explanatory, the purpose of the Indian Act is to define the relationship between the Federal Government and the Indian peoples, and to ensure in doing so that Indian lands and interests are protected. It is in the protection of these interests, in accord with the wishes of the Indian peoples that difficulties have sometimes arisen.

Among the cases before the Supreme Court in the period under review, were the petitions of two Indian-born women against the loss, by marriage to white men, of their status as Indian women, in accord with the Indian Act. They claimed the Act discriminated

against them because of their sex and race in that white women gained Indian status by virtue of marriage to an Indian, and that such discrimination was contrary to the Bill of Rights. The Defence contended that equality before the law does not mean uniform laws for all Canadians. Decisions are expected to be rendered later in the year.

- (c) The establishment and operation of tribunals to safeguard the rights of individuals against discrimination included some action in the courts, intensive work by the Human Rights Commissions under provincial law, the appointment of an anti-discrimination branch within the federal public service.

- i. The establishment of an Alberta Human Rights Commission under the Individual's Rights Protection Act, and of a Saskatchewan Human Rights Commission under a special Act, brings to eight the number of such provincial commissions, though complete appointments have not been made in all provinces. The Commissions in general are empowered to investigate complaints against alleged violation of human rights, including racial discrimination. The powers of the Commissions vary: in some provinces it is necessary to receive a written complaint; in others the Commission's officers may initiate an investigation if discrimination appears to have taken place.

In Ontario, in a 1972 amendment to legislation,

maximum penalties for non-compliance following a prosecution were increased from \$500 to \$1000 for individuals and from \$1000 to \$5000 for corporations.

The Ontario Civil Rights Amendment Act, which applies to all Ontario tribunals, including the Human Rights Commission, was passed in 1972. Previously, boards of inquiry under the Human Rights Code could lead to a binding ministerial order against which there was an appeal. Under the amendment, boards of inquiry will themselves make orders which can be appealed to a special division of the courts.

The extent of the work done by the Commissions in handling complaints is indicated in reports from several of the provinces. In Alberta 291 complaints were dealt with in a twelve-month period (as reported in the Spring of 1972). Of these, 153 complaints were against alleged discrimination on the basis of race, 80 complaints being received from native people. In Manitoba it was reported that in the first 21 months of operation, the Commission received 699 formal complaints, 79 informal complaints and more than 10,000 inquiries. It is significant however that only 20.6 per cent of the formal complaints alleged discrimination on the basis of race or nationality. In Saskatchewan a monthly report (June 1973) showed 20 formal complaints against discrimination on the basis of race or nationality out of a total of 43 complaints. In Ontario the total number of complaints received up to June 1973 was 4,196, involving all categories of discrimination. The heavy

caseload of the Commissions in their first years of operation indicates the extent to which they have made their services known and accessible to the public.

ii. Ombudsmen have now been appointed in six provinces. The most recent was in Saskatchewan, following the passing of the Ombudsman Act (1972).

A national conference of Ombudsmen was convened in Ottawa in June 1972.

The Ombudsmen deal with complaints by individuals against the public authority. Although racial discrimination is not a dominant concern it may have a bearing on some cases, and the Ombudsman constitutes a further tribunal which is available to all citizens.

In June 1973 correctional investigator, Miss Inger Hansen, was appointed to inquire into and report on complaints from inmates of federal penitentiaries. Miss Hansen has the status of a Commissioner under the Inquiries Act, and acts independently of the Canadian Penitentiary Service.

iii. Within the federal Public Service Commission, an Anti-Discrimination Branch was established in November 1972, to investigate complaints in regard to discrimination in hiring.

iv. For the section of industry under federal jurisdiction, one of the most active tribunals is

the Fair Employment Practices Branch which investigates any cases of discrimination in this area of employment.

II. Most of the Human Rights Acts now in force in the provinces specifically bind the Crown to observe the same prohibitions against discrimination which are required of the private sector.

In Saskatchewan, where a Human Rights Commission Act was passed in 1972, an amendment in 1973 added this further clause: "This Act binds the Crown and every servant and agent of the Crown".

The Alberta Bill of Rights (1972), deals specifically with the responsibility of the government of Alberta to uphold human rights, and contains the clause: "Every law of Alberta shall, unless it is expressly declared by an Act of the Legislature that it operates notwithstanding the Alberta Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgement or infringement of any of the rights or freedoms herein recognized and declared".

It is the specific duty of the Ombudsmen within provincial jurisdictions to rectify personal grievances against the public authority.

In general, however, matters of racial discrimination are handled by the Human Rights Commissions, whether inside or outside the public administration.

- III. (a) There is a continual review of legislation at the provincial and federal level. A Law Reform Commission was established by the Government of Canada and submitted its first report in August 1972. There are Law Reform Commissions in eight provinces, and there is legislative provision for commissions in the remaining two provinces. One of the areas of study by the federal Commission is the impact of criminal law on disadvantaged groups in society.
- (b) Since the prohibition of dissemination of racial hate propaganda was introduced into the Criminal Code (1970), no prosecutions have been filed under this section of the law.
- IV. (a) Positive measures to encourage mutual respect and co-operation among racial groups in Canada include the establishment of programs under both federal and provincial administrations..
- i. The Citizenship Branch of the Department of the Secretary of State was greatly expanded. Programmes to assist native peoples and ethnic groups to participate more effectively in the larger Canadian community were strengthened. The expansion included the Department's Field offices located across the country. Their work and the work of the voluntary groups, including ethnic groups to which funds are provided will further improve intergroup relations.

In Saskatchewan projects have been sponsored such as a Creative Contest to produce written or musical works on the theme of "Saskatchewan Mosaic". In literature distributed for this project, attention is drawn to the fact that European dances and traditions are seen in Saskatchewan on special occasions, but the people of English stock have been remarkably remiss in displaying their ancestral heritage: the intent is to equate all ethnic groups within the population.

Similarly, a multicultural program in Nova Scotia in September 1972, brought together representatives of the (French) Acadians, the native people, the Blacks, and the Scots of that province. The program was held in conjunction with a month-long exhibit on Canada's multicultural heritage prepared by the National Museum of Man in Ottawa.

In Nova Scotia, the Social Development and Rehabilitation Division worked in a number of predominantly Black communities to assist residents in a coordinated program. Local organization to define and achieve community goals was encouraged. The people were assisted to draw on the funding and expertise of federal and provincial government aid programs with which they were unfamiliar, including the Local Initiatives Program and the Central Mortgage and Housing Corporation programs of the federal government. Communities were successful in launching house-building and renovating schemes, construction of community centres, day care centres and medical clinics.

The provinces expanded information and guidance services both for immigrants and for migrant native people arriving in urban communities.

The Citizens' Rights and Freedoms section of the federal Department of the Secretary of State is likewise involved in inter-cultural relationships. For example, this government office assisted financially in the appointment of a human rights officer in the troubled community of Williams Lake, B.C., where competition and friction had developed between East Indian immigrants and native Indian workers in the lumber industry.

The Travel and Exchange program of the Department of the Secretary of State provided the opportunity for many citizens to travel across the country. The program emphasizes support to minority groups and ethnic intergroup experiences.

iv. Within the Federal public service the government's policy of providing services to the public in both the official languages was strengthened through the implementation of internal policies for recruitment and promotion. The language training program that supports the bilingual policy was further expanded. One of the effects of the policy will be to allow both English and French-speaking citizens more equal opportunities for employment in the federal public service.

(b) Programs of positive assistance to native groups assumed increasing importance at both the federal and the provincial levels of government.

i. The federal government has entered into negotiation with native people in several cases of disputed land claims and treaty rights. In March 1973 a settlement was reached to compensate prairie Indians for claims under an early treaty, Treaty No. 7, which had promised ammunition or money in lieu of ammunition at the time of signing.

The Yukon native groups asserted interest in a considerable land area to which they claimed aboriginal rights and the federal government has agreed in principle to negotiate these claims. Other aboriginal land claims involve both federal and provincial governments.

ii. Economic development of Indian land and resources was furthered under a number of local programs involving Indian groups and the Department of Indian Affairs and Northern Development. During the fiscal year 1971-72, a total of 23 Indian Bands entered into such programs with the Department. Other federal departments concerned with economic development for native people included the Department of Regional Economic Expansion. It carried out industrial and large scale agricultural improvement and pasture and forage projects. Considerable impetus was given to the production and sale of native arts and crafts, with Indians and Inuit serving on marketing boards. Training courses in business administration and land management were conducted among native people.

iii. Adult educational services, generally of a vocational training nature, were provided for non-registered Indians and Métis through provincial departments of education, while similar vocational and basic literacy courses for registered Indians were provided through programs of the federal and provincial governments.

An examination of textbooks used in public schools has been undertaken in a number of provinces, under the research programs of Human Rights Commissions, to remove material which presents an unfavorable impression of native people. In Nova Scotia the research project has been extended to develop substitute material of a more positive nature. Liaison was developed with Departments of Education to rectify such occurrences.

Most provinces and the two territories have in the past two years accelerated plans for curriculae development giving emphasis to the history, customs and the arts and languages of native people. Special teacher-training programs were launched to increase the supply of native teachers. In Saskatchewan, a move was taken in school units which include a large number of native children to have Indian parents from the adjacent reserves elected to serve on school boards.

The use of native languages in primary grades in some northern areas was accelerated, and additional native teaching assistants were hired. Teacher training is available to Indian and Inuit young people without

charge and the number of qualified native teachers is increasing.

Grants were made to several local Bands for the purpose of reviving and promoting the use of native languages.

The Cultural Development Program of the Indian Affairs Department continued to fund traditional cultural activities and to publish periodicals and books by and for Indians.

iv. Of particular importance from the native point of view has been the organization of about 30 national, provincial and territorial brotherhoods and councils, representing all sectors of the native population. Much of this development has taken place within the last two years. The organizations were assisted by funds from the Department of the Secretary of State as part of its Native Citizens Program and by the Department of Indian Affairs as part of its program of assistance to status Indian peoples. The three main national groups are the National Indian Brotherhood, the Native Council of Canada (representing non-status native people), and Inuit Tapirisat of Canada (Eskimo). All three are federations of provincial and territorial native associations.

v. The Citizenship Branch of the Department of the Secretary of State also funds community projects of various kinds designed to support the initiatives of native people in social projects with the long-term aim of improving the position of native people in Canadian society. An important aspect of such projects is that

their success projects a favourable image among the white population, and serves as a positive factor in combatting prejudice.

The program includes grants to native youth and native women projects. In addition, operational grants are provided to support about 48 Friendship centres where counselling and other social development services are provided to facilitate the settlement of native peoples, many of whom only recently migrated to the cities. Funds have been provided for various native communication projects involving native newspapers, radio and telephone networks and audio-visual projects in both the southern and northern areas of Canada.

vi. It is noteworthy that in the general election of 1972, a non-status Indian was elected for the first time to represent the Northwest Territories in the House of Commons. There are now two native members of the House of Commons and one senator.

vii. The province of British Columbia passed the First Citizens of British Columbia Corporation Act (1972) to assist enterprises dealing in Indian arts, crafts and industries. Directors of the Corporation were named from six native organizations.

viii. The province of Saskatchewan expanded its health services for native people with the development of outpost hospitals in the northern region. The province amended the Union Hospital Act to authorize Indians residing on an Indian reserve served by a union (community) hospital to be represented on the hospital board.

ix. In Saskatchewan an adoption program for native children was undertaken, resulting in the placing of one in four children in 1972, compared to one in ten before the program was introduced.

x. Three Native Alcoholism Rehabilitative Centres continued to operate in Saskatchewan under the direction of the Métis Society, supported by government funds.

xi. The relations between native communities and police were the subject of an intensive study in Brandon, Manitoba. The study arose because of resistance to native people acquiring accommodation in the city, and was conducted by the Canadian Native Justice League. All aspects of community tension were examined and a series of recommendations was presented to the Attorney General of the province.

xii. The University of Saskatchewan has begun a summer program to introduce Indian students to the study of law, aimed at attracting more Indians to enroll in law school. Tuition and living allowances are available for all registered Canadian Indians who undertake post-secondary education.

xiii. In further efforts to improve the position of native people in relation to the law, a regularized funding program was established by the Department of Justice to enable native organizations to train and employ native court workers or court communicators to assist native people in the courts.

In this connection, the province of Alberta has established a Native Counselling Services program.

In January 1973 the Native Courtworker and Counselling Association of British Columbia was incorporated, with financial support under the joint federal-provincial plan.

xiv. In British Columbia the Attorney General issued an order in February 1973 requiring all juries in Assize or County Courts to include native jury members in proportion to the number of natives in the local population, for all cases involving a native person as either complainant or accused.

xv. In Nova Scotia the commission was successful in bringing about the signing of a declaration of fair housing policies by the Real Estate Association of the province in January 1973.

(c) A variety of programs were developed and extended during the past two years to increase public awareness of the principles of racial equality and human rights.

i. The Fair Employment Practices Branch of the federal Department of Labour has promoted an "affirmative action" policy among employers, to increase the proportion of workers from minority groups and to lessen tension.

ii. The Human Rights Commissions of the provinces carried on increasing programs of public education, in advertising campaigns and printed material, including widely circulated Newsletters as well as brochures and posters. The Newsletters publicize

cases which have been the subject of investigation by the Commissions, acquainting the public with the kinds of offences that run counter to the law in matters of accomodation, hiring and advertising. Public meetings and seminars have been organized: for example, a series of public forums in Manitoba in September and October 1971, inviting briefs and public discussion on improvements in the Human Rights Act. In October 1972, the Manitoba Commission followed up with an intensive media campaign to make its services known to the public.

The Commissions also conduct extensive research. For example, the Nova Scotia Human Rights Commission has published studies of the history of Blacks and of Acadians in the province. The Nova Scotia Commission maintains a library which serves researchers in human rights fields of study.

An Indian program called Moccasin Telegraph produced by native people is widely carried on Saskatchewan radio stations. The Department of the Secretary of State has provided funds to the Alberta Native Communications Society, RAVEN, the Indian Voice located in British Columbia, Indian News Media in Southern Alberta and the Indian Brotherhood of the Northwest Territories. The organizations are involved with newspapers, radio-telephone networks and with other audio-visual techniques. In addition, the Canadian Broadcasting Corporation provides programs of interest to Native peoples and ethnic groups.

iii. Assistance was given to non-government groups with an educational function. Grants from the Department of the Secretary of State and Provincial governments assisted Civil Liberties, Human Rights and United Nations Associations across Canada.

Trade unions also have undertaken programs of public education to inform employees and employers of the provisions of the law in respect to discrimination. In British Columbia, for example, the Vancouver Labour Committee for Human Rights published and distributed a brochure to explain what information can legally be requested in an application for employment, and what information may not be legally requested, on the grounds that it may lead to discrimination.

Public education projects will be a major feature of country-wide observances of the 25th Anniversary of the Universal Declaration of Human Rights. Planning committees were established early in 1973 in many parts of the country to prepare such projects.

iv. The Department of the Secretary of State's programs, in particular, the Citizens' Rights and Freedoms, Multicultural and Native Citizen's programs have increased public awareness of human rights and more generally, of related citizenship development concerns. The strengthening of the Department's Field offices has extended its programs further into the life of communities across Canada.

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INTERNATIONAL CONVENTION ON
THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION

THIRD REPORT OF CANADA
July 1973 to August 1975



February 1976

International Convention
On The Elimination of All Forms
of Racial Discrimination:
Canada's Third biennial report
July 1, 1973 to August 15, 1975

Group Understanding and Human Rights
Citizenship Branch
Department of the Secretary of State
Ottawa

In compliance with the terms of the International Convention on the Elimination of All Forms of Racial Discrimination, and in answer to the request of the Secretary General of the United Nations in his note SO 237/2 (2) of July 17, 1975 Canada has the honour to present its third report on the legislative, judicial, administrative, or other measures that have been adopted in Canada during the period of July 1st 1973 to August 15, 1975 and that give effect to the provisions of the Convention

INTRODUCTION

Presentation of Report

In compliance with the suggestion of the Secretary General, the Report is presented according to the guidelines proposed by the Committee in document CERD/C/R.60. In that document the Committee proposes that the Report consist of four main sections, each dealing with two or more articles or sub-articles of the International Convention on the Elimination of All Forms of Racial Discrimination. The four sections of this Report are introduced by the specific wording of the guidelines in each case.

To supplement the request for information under Question 3 (d), in regard to measures against the dissemination of ideas based on racial superiority, a copy of Canada's report of June 1974 on this matter is attached (Annex).

In reply to the request contained in CERD/C/R.60 Add. 1 in regard to the demographic composition of the population, it should be noted that this information has been transmitted.

The information requested by the Committee in document CERD/C/R.60/Add.2 of April 9, 1975, regarding the status of Canada's diplomatic, economic and other relations with the racist regimes in southern Africa is provided in an Appendix attached to this report.

Section 1 Information on the legislative, judicial, administrative and other measures that have been adopted and that give effect to the following provisions of the Convention:

- (a) Condemnation of racial segregation and apartheid, in accordance with article 3;

Canada frequently has taken occasion to express her condemnation of racial segregation and apartheid. Most recently, the representative of Canada at the meeting of the Third Committee of the United Nations on October 2, 1975, said: "Canada has always opposed racial discrimination and has particularly condemned it in the institutionalized form of apartheid."

The delegate then outlined Canada's financial contribution to assist the people of southern Africa. Canada's policy is to contribute aid to the victims of racial discrimination, notably in the form of scholarships and training programs for refugees, through multilateral programs such as the United Nations Educational and Training Program for Southern Africa and a number of other joint undertakings.

- (b) Prohibition and elimination of racial discrimination in all its forms, as enumerated in Article 5, especially in the field of political, civil, economic, social and cultural rights and the right of access to any place or service intended for use by the general public;

i. Federal Legislation

Racial discrimination is prohibited in Canada by the Bill of Rights (1960), and by other federal legislation including the Canada Labour Code which in Part I (Fair Employment Practices) prohibits discrimination in respect of employment and trade union membership on grounds of race, national origin, colour and religion.

In July 1975 the Parliament of Canada gave first reading to Bill C-72, an Act to extend the present laws in Canada that proscribe discrimination and that protect the privacy of individuals, to be called the Canadian Human Rights Act.

ii. Provincial Legislation

In the ten provincial jurisdictions, racial discrimination against the individual is prohibited in the various Human Rights Acts and Codes enacted over the past several decades. Several revisions and amendments to this body of legislation (See also Canada's contribution to the United Nations Yearbook on Human Rights, 1973-74) have been made during the period under review. British Columbia adopted a new Human Rights Act in 1973. Manitoba passed a new Human Rights Act in 1974. New Brunswick, Newfoundland and Nova Scotia amended their legislation*.

* The province of Prince Edward Island has adopted a new Human Rights Act in December 1975.

The most recent enactment is the Quebec Charter of Human Rights and Freedoms passed in June 1975, replacing the Employment Discrimination Act and relevant sections of the Hotels Act and the Manpower Vocational Training and Qualifications Act. The new act, after defining the area of human rights and freedoms, states (Article 10): "Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, civil status, religion, political convictions, language, ethnic or national origin or social condition.

"Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such rights".

Ontario has begun a review of its Human Rights legislation, now in effect for thirteen years with a view to determining whether the law still corresponds to the real needs of the community and whether additional areas of societal interaction need to be considered.

- (c) Assuring "everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination", in accordance with article 6.

In Canada most complaints of human rights violations are dealt with by governmental human rights commissions. The usual procedure is to settle complaints wherever possible by conciliation. If this fails, inquiries are conducted by appointed tribunals or boards of inquiry at which all parties are given opportunity to present evidence. The tribunals are in general empowered to issue orders to resolve disputes, such as job reinstatement or payment for loss of wages or other damages. Court action can generally be taken if the orders are not followed or to appeal the orders of the tribunals or boards of inquiry.

i. Federal Administration

The federal government administers fair employment policies within the public service through its Anti-Discrimination Branch, while the Labour Department administers Part I of the Canada Labour Code (Fair Employment Practices) which prohibits discrimination in respect of employment and trade union membership on grounds of race, national origin, colour and religion within those areas of employment under federal jurisdiction.

Bill C-72 (Canadian Human Rights Act) which was introduced in Parliament in July 1975, provides for the establishment of a Human Rights Commission that would perform enforcement functions similar to the general model described above.

ii. Provincial Administrations

The human rights laws of nine* of the ten provinces are enforced by a specific machinery, usually in the form of a human rights commission. Several of these Commissions have during the period under review considerably expanded their staff and operations. Changes that have occurred during the period under review include the following:

Under the new British Columbia Human Rights Act (1973) the Director of the Act has power to investigate and seek to effect a settlement in cases of alleged discrimination or contravention. If the Director is unsuccessful in achieving a settlement, a board of inquiry from an appointed panel may be designated by the Minister of Labour to hear and decide upon the allegation and issue orders; an appeal from the decision of the board of inquiry can be made to the Supreme Court of British Columbia.

Under the new Quebec Charter, enforcement procedures provide that the human rights commission shall receive complaints or make investigations on its own initiative. The Commission will make recommendations to bring about a settlement; if these are not complied with, the Commission (or the plaintiff) may bring the matter before the courts.

* The new act passed in December 1975 by the other province, Prince Edward Island, also provides for the establishment of a human rights commission.

Manitoba, in its new Human Rights Act (1974), altered its procedure by providing for the designation of Boards of Adjudication to proceed with complaints where conciliation through the Commission has failed.

iii. The Territories

The Fair Practices Ordinances in the Northwest Territories and the Yukon are administered by an Officer appointed by the Commissioner (of the Territory) to inquire into complaints. If the Officer fails to settle the complaint he may refer the complaint to the Commissioner with recommendation for action. The Commissioner is empowered to issue orders involving penalties or restitution, but an appeal may be made from his decision to the Territorial Court.

Section 2 Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

- (a) The undertaking "to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation" in accordance with article 2.1(a);

1. Federal Jurisdiction

The employees of the government itself are protected against racial discrimination under the Public Service Act. Complaints by employees or applicants for employment are investigated by the Anti-Discrimination

Branch of the Public Service Commission. The Branch was established in 1972 and in 1973 heard 81 complaints against alleged racial discrimination; in 1974, 62 such complaints were heard. All the complaints were examined, some were dismissed, and in cases where discrimination was shown to exist, the employee was reinstated in his job. The Board is conducting a study into the hiring requirements of the Public Service Scientific and Professional category in regard to certification of those who received professional education outside Canada.

Employees of crown corporations and agencies (as distinct from departments of government) have the protection of the Fair Employment Practices Branch of the Labour Department.

The regulations governing the operations of various government agencies also prohibit racial discrimination in their transactions. For example, the Central Mortgage and Housing Corporation Regulations (Section 57B) state:

"It is a condition of every loan made by an approved lender to a borrower and insured by the Corporation that the borrower will not, in the sale or leasing of any house or any unit in a multiple-family dwelling constructed with the aid of that loan, discriminate against any persons by reason of race, colour, religion, national origin, sex or marital status."

The same policy extends to all programs of the Corporation. The standard clause with reference to discrimination used in all mortgage forms and agreements is as follows:

"The Mortgagor covenants and agrees that in the selling or leasing of any house, multiple family dwelling or combination thereof, purchased or constructed with monies borrowed from the Mortgagee (CMHC) pursuant to the National

Housing Act, he will not discriminate against any person by reason of race, colour, religion, national origin, sex or marital status."

ii. Provincial Jurisdiction

The Human Rights legislation of the provinces applies not only to private transactions but also to the Crown and agents of the Crown.

In Nova Scotia discrimination in government departmental regulations is prohibited under Section 13 of the Human Rights Act which states: "Where in any regulation made under the authority of or pursuant to an enactment there is a reference to race, religion, creed, colour or ethnic or national origin of any individual or class of individuals which appears to restrict the rights or privileges of persons to whom the reference applies, the reference and all parts of the regulation dependent on the reference shall be void and of no legal effect."

In Manitoba all government department offices and services are required under the Act to avoid racial discrimination in their practices. There are anti-discriminatory guidelines in the hiring of people for the public service.

- (b) The undertaking "not to sponsor, defend or support racial discrimination by any persons or organizations," in accordance with article 2.1 (b);

It has not generally been found necessary to explicitly prohibit racist activities by the many groups that receive government grants and support for a wide variety of legitimate purposes.

In the summer of 1974 two incidents occurred in the Travel and Exchange Program funded by the Department of the Secretary of State for students visiting different regions of Canada. In both instances, objections were raised to billeting arrangements involving black or native students. Through the efforts of Secretary of State officers and provincial Human Rights Commissions the incidents were resolved, and letters of apology extended. As a result of this experience, the brochure promoting this student program was revised to include the following provision: "The Young Voyageur Program, in whole or in part, during its entire planning and operational phases must remain open to all, without any restriction on the basis of race, color, creed, cultural background or sex." The same provision was also included in the Memorandum of Agreement between the Government of Canada and the Governments of the Provinces operating the program. In addition a similar provision was included in the Letter of Agreement between the federal government and voluntary travel groups: "Your project, in whole or in part, during its entire planning and operational phases must remain open to all, without any restriction on the basis of race, colour, creed, cultural background or sex. Failure to comply with this clause will automatically give the Secretary of State the right to either cancel or ask for a full reimbursement of the grants."

The new Canadian Human Rights Act, introduced to Parliament as Bill C-72, would contain the following provision:

"16. The Governor in Council may make regulations respecting the terms and conditions to be included in or applicable to any contract, licence or grant made or granted by Her Majesty in right of Canada providing for

- (a) the prohibition of discriminatory practices described in sections 4 to 10; and
- (b) the resolution, by the procedure set out in part III, of complaints of discriminatory practices contrary to such terms and conditions."

- (c) The undertaking "not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination", in accordance with article 4 (c)

The Criminal Code of Canada was amended in 1970 to make it an offence to advocate or promote the destruction of "any identifiable groups", or to publicly communicate statements which incite hatred against such a group. The Criminal Code applies to all public authorities and institutions.

Section 3 Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

- (a) The undertaking "to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists" in accordance with article 2.1 (c)

The views of the Indian people are now being sought by the federal government, with a view to possible amendments to the Indian Act in particular with respect to the amendment or rescinding of laws creating discrimination.

In arriving at recommendations for legislative reform, continuous studies are undertaken by the Law Reform Commission established by the Government of Canada, and by similar Commissions in the provinces.

A recent report issued by the Commission at the federal level produced information on "The Native Offender and the Law" (1974), and outlined attempts in Canada to introduce alternative sentencing procedures (which include referral to detoxification centres instead of gaols) for the benefit of native people, who in some areas commit offences (mostly of a minor nature) in disproportion to their numbers in the population as a whole.

The Special Joint Committee of the Senate and of the House of Commons on Immigration Policy in its Third Report tabled in 1975 unanimously recommended that immigration policy continue to be fair and non-discriminatory on the basis of race, creed, nationality, ethnic origin and sex, and that this principle be formally set out in the proposed new Immigration Act. They also recommended that those points of the present Act which give a statutory basis for implementing a discriminatory policy should be excluded from any future Act even though these powers have not been used for many years.

Alberta undertook an extensive review of statutes in 1973 to remove any discrepancies between those statutes and the province's new Bill of Rights and Individual's Rights Protection Act. Twenty-two statutes were amended. For example, the Communal Property Act which had placed restrictions on the purchase of land by Hutterite colonies was repealed.

Quebec in 1973 amended a number of acts relating to the conduct and control of professional corporations, prohibiting racial discrimination in conferring membership or in providing services.

Under Quebec's new Charter the Human Rights Commission is instructed to "make an analysis of any Quebec statutes existing prior to this Charter that may be inconsistent with it, and make the appropriate recommendations to the Government".

Manitoba is proceeding with a revision of provincial legislation to bring it into conformity with the Human Rights Act. Recent amendments have accordingly been made to "The Landlord and Tenants Act" and "The Personal Investigations Act". Legislation is also being studied with a view to removing any racially biased references.

- (b) The undertaking "to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization", in accordance with article 2.1 (d);

In addition to the developments in this respect that have been reported under Section 1 (b), it should be mentioned that special efforts are being made to alleviate racial tensions that have developed in some parts of the country and to counter racist activities.

The Department of the Secretary of State of the federal government is reorienting the priorities of its Citizenship sector in order to better deal with problems of racial tension and combat prejudices and discrimination.

The provincial human rights commissions are also deeply involved in educational activities aimed at promoting better understanding between groups and at combatting prejudice and discrimination. (See also answer to (e)).

- (c) The undertaking to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of racial segregation and apartheid, in accordance with article 3;
- (d) The undertaking to "declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof" in accordance with article 4 (a)

Attached is a copy of the report prepared in June 1974 in response to a request for information from the Secretary General of the United Nations on this item (Annex).

Following incidents of racist propaganda by a "white supremacy group", with reference in particular to a "hate telephone message" put on by the group, the Attorney General of Ontario has consulted authorities of the federal government with a view to finding a means of solving this problem.

- (e) The undertaking to "declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law" in accordance with article 4 (b).

Canada undertakes to deal with the activities of organizations, in preference to declaring the organizations illegal.

During 1975, a series of government-sponsored public meetings in regard to amending immigration policy was attended by members of an extremist "white supremacy" group, leading to demonstrations. The police investigated leading members of the group called the "Western Guard Party" following the demonstrations and other disturbances associated with them. Charges were laid in connection with the possession of firearms, and at the same time propaganda materials of a racist nature were confiscated.

The Ontario Human Rights Commission has met such racist activities with a program of intensified public education in the media and in providing material for group discussion. The community has been encouraged to make public statements supporting the rights of minorities. The Commission has initiated cooperation with the law enforcement ministries of the Ontario government to counter the activities of the extremist group. The Commission has also expanded its community relations program to seek to prevent friction between ethnic groups in a dynamically changing demographic situation.

Section 4 (a) The undertaking "to encourage, where appropriate, integrationist organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division", in accordance with article 2.1(e);

i. Federal Programs

The federal government through the Department of the Secretary of State continues to fund and to assist numerous multi-cultural events throughout Canada.

The Department of Labour carries out projects in collaboration with employers, trade unions and minority group organizations in order to promote the more complete integration in the work environment of the various racial and cultural groups.

The Group Understanding and Human Rights section of the Citizenship Branch of the Secretary of State Department provides grants to assist the work of voluntary associations in the field of human rights and civil liberties and to aid education programs which promote understanding of citizens rights across the country.

The Multicultural Program of the Citizenship Branch makes grants to ethnic groups and immigrant associations; it undertakes research into the history of the various cultures that make up Canada's population and into the use of non-official languages (in addition to French and English), and it coordinates the activities of various federal agencies engaged in multicultural activities.

The Department of Indian and Northern Affairs is continuing to promote its Northern Development policy for the decade 1970-80 which places first priority on the needs of the Indians, Eskimos and Metis resident in the North. To this end, the government has established joint committees with the petroleum and mining industries to examine more closely the particular problems associated with native employment in the Yukon and Northwest Territories and to develop programs to promote training and employment in these fields.

Particular attention is also being paid to increasing the representation of Indians, Eskimos and Metis in the federal and territorial public service. At the federal level, the Northern Careers Program has been developed to provide training opportunities for native people in order to qualify them for positions at the intermediate and senior management level.

A training on-the-job program has been successfully implemented to provide openings at the semi-skilled and administrative levels. In addition to their regular programs of vocational training and adult education, the Territorial governments have under study programs specifically designed to increase the number of native people employed in government service.

The federal government is assisting the Indian, Inuit and Metis of the North in establishing a legal basis for land claims and their participation in resource and political development. The government is providing financial assistance to native associations as they explore new ways of participation in development. This is considered as a logical outgrowth of land claims negotiation and settlement, based upon the land use, occupancy and cultural heritage of the native peoples.

The federal government through the Department of the Secretary of State continues to fund and to assist many groups and associations at the local, regional and national levels. These include many native groups, and groups of other ethnic origins, as well as civil liberties and other human rights voluntary groups. Grants of over \$25 million annually are made under the various programs of this branch of government.

Native segments of the population are the beneficiaries also of many projects under broad government economic programs such as Regional Economic Expansion, Manpower and Immigration and the Central Mortgage and Housing Corporation.

The Federal Department of Labour is engaged in planning, in collaboration with other federal departments, special measures to promote and ensure equal opportunities for employment and career development of members of various racial groups.

ii. Provincial

A number of affirmative action programs initiated by provincial governments were enumerated in Canada's report to the United Nations Yearbook on Human Rights, 1973-74.

The Nova Scotia Human Rights Commission has expanded its efforts to induce communities to adopt affirmative action programs leading to improved employment and training opportunities for minority ethnic groups. Eight municipalities in that province have endorsed the program and a number of positive and practical measures have been taken.

In Manitoba a new government department, Northern Affairs, has been set up to administer programs which will mainly benefit the native people of that region. Employment programs elsewhere in the province are designed to help disadvantaged native peoples. The Human Rights Commission issues guidelines for the information of government departments, private employers, landlords and news media.

- (c) The undertaking "to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention", in accordance with article 7.

A wide variety of federal government programs carry out activities designed to combat prejudice and promote understanding. These include the programs of the Citizenship Branch already outlined.

The federal Department of Labour carries out a program of information and general public education with respect to prejudice and discrimination, through publications and through visits by officers to high schools and university workshops designed to foster better understanding and mutual appreciation among racial groups.

There are also many provincial and territorial programs designed for the same purpose.

Most of the Provincial Human Rights Commissions include staff specifically charged with duties of public education. They are involved in research projects, public speaking engagements, and the organization of seminars and workshops.

The province of Nova Scotia has been particularly active in public education to combat prejudice against the Black and Indian communities. A study of the position of Blacks in the social and economic structure of New Glasgow produced a report, "Black Community Profile" which became the focus of a conference of community leaders in November, 1973. Public meetings in other centres provided a forum to discuss local problems of the minority groups in employment or housing.

Manitoba has maintained a close relationship with the media in drawing public attention to human rights developments. The settlements of disputes by the Human Rights Commission have been given wide publicity.

The Territorial governments, as well as the federal government, have an active program of support for native cultural institutions and groups in the Yukon and Northwest Territories. These programs encompass the promotion of the arts, the development of common orthographies for the Inuit (Eskimo) people and the support of various native groups and institutions designed to preserve the cultural traditions. The Territorial governments administer hunting and trapping regulations in order that they may be as consistent as possible with traditional native practices. Special efforts are also being made to adapt school programs and curricula so as to reflect the cultural values of the native people who form a majority of the school population.

Conclusion

With the enactment of Human Rights legislation in the province of Quebec, and the introduction of a Human Rights bill in the parliament of Canada, the legislative framework to prohibit racial discrimination is well established across Canada. The Human Rights Commissions and Boards of Inquiry have developed effective operative procedures in dealing with offences and exacting compensation for the victims of offences.

While there have been some instances of strain in the relations between groups there has been an effort by the authorities to resolve these situations in a just manner without repressive action. There has also been a reliance on the educative process to end prejudice and promote understanding among different ethnic groups.

APPENDIX to the Third Biennial Report of Canada on the
Implementation of the International Convention on the
Elimination of All Forms of Racial Discrimination

Information regarding the status of Canada's
diplomatic, economic and other relations with
the racist régimes in southern Africa

a) Relations with the Republic of South Africa

While Canada has, on repeated occasions, firmly stated its strong condemnation of the practices of apartheid and racial discrimination in South Africa as a denial of fundamental human rights, the Canadian Government nonetheless considers that it remains useful to maintain diplomatic relations even with those countries of whose policies the Government strongly disapproves. In the case of South Africa, such relations, in the opinion of the Canadian Government, afford the Government the opportunity to exert some positive influence on the South African Government through the direct expression of Canadian views on a number of South African issues.

Accordingly, Canada maintains diplomatic and consular facilities in the Republic of South Africa and permits reciprocal facilities for the Republic of South Africa in Canada. Diplomatic relations between Canada and South Africa could be characterized as correct, but not cordial.

Regarding economic relations, Canada trades in peaceful goods with all countries and the Canadian Government's view is that the maintenance of normal trade and commercial relations with other states does not imply any support of their political policies. The only exception to this policy is Rhodesia where Canada has accepted mandatory economic sanctions adopted by the

United Nations Security Council under the provisions of Chapter VII of the United Nations Charter. As the Security Council has not adopted similar sanctions in regard to South Africa, the Canadian Government continues to maintain economic and commercial relations with the Republic.

Insofar as any other relations are concerned, it should be noted here that Canada has maintained an embargo on the export of military equipment and spare parts to the Republic of South Africa, in compliance with the Security Council Resolutions on this subject passed in 1963 and 1970. Accordingly, Canada does not have any military relations with the Republic.

It might also be noted, in this category, that Canada participates in an international boycott of the racially discriminatory sports organizations of South Africa, by enforcing a policy of no federal financial support for either i) Canadian athletes participating in athletic events in South Africa, or ii) athletic events in Canada that permit South African teams to participate. Canada also was a co-sponsor of U.N. General Assembly Resolution 3411 (XXX) of November 28, 1975, on Apartheid in Sports.

b) Relations with the illegal régime of Rhodesia

Canada does not recognize the illegal régime and has no diplomatic, consular or commercial representation in, or for, Rhodesia. Canada enforces economic and other sanctions against Rhodesia in accordance with the measures decided upon by the U.N. Security Council in its Resolution 253 of May 29, 1968.

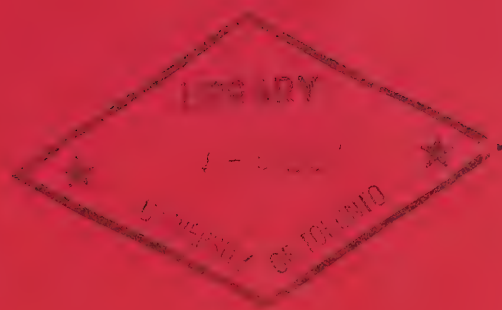
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INTERNATIONAL CONVENTION ON
THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION

FOURTH REPORT OF CANADA
September 1975 to July 1977



INTERNATIONAL CONVENTION ON THE ELIMINATION OF
ALL FORMS OF RACIAL DISCRIMINATION
Canada's Fourth biennial report
September 1975 to July 1977

DEPARTMENT OF THE SECRETARY OF STATE
Ottawa
August 1978

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FIRST PART: GENERAL INTRODUCTION

A. Presentation of the Report:

This is the Fourth report of Canada presented under the terms of the International Convention on the Elimination of All Forms of Racial Discrimination, and in answer to the request of the Secretary General of the United Nations in his note SO 237/2 (2) of June 10, 1977. According to the request the report deals with the legislative, judicial, administrative, or other measures which have been adopted in Canada during the period under review, that is September 1975 to July 1977, and that give effect to the provisions of the Convention. Developments which have taken place since July 1977 may also be accounted for, mainly in foot-notes to the main text. It is, of course, evident that the information provided in the first three reports does not need to be provided again.

The report is divided into three parts: the first part contains a General Introduction; the second part deals with measures adopted by the federal government; the third part deals with measures adopted by the provincial governments. There is an appendix containing the list of documents sent to the Secretary General along with this report.

As suggested by the Secretary General, the information is presented along the lines proposed by the Committee on the Elimination of Racial Discrimination in its communication adopted on January 28, 1970 and contained in document CERD/C/R.60/Rev.I, the subject headings outlined in that document serving as headings in each of the two parts dealing res-

pectively with the measures adopted by the federal government and by the provincial governments.

B. Information of a general nature

1. Accession to the International Covenants on Human Rights

On May 19, 1976 Canada ~~accessed~~ acceded to the International Covenant on Economic, Social and Cultural Rights, to the International Covenant on Civil and Political Rights, and to the Optional Protocol to the International Covenant on Civil and Political Rights. Canada's accession to these instruments had been facilitated by a Federal Provincial Conference on Human Rights held in December, 1975. At the conference the federal and provincial governments reached an agreement on procedures and mechanisms for implementing the Covenants and Protocol and established a Continuing Federal Provincial Committee of Officials Responsible for Human Rights.

2. Decade for Action to Combat Racism and Racial Discrimination

The Programme of the Decade was on the agenda of the above-mentioned conference where many areas of activity were examined. During the period under review the federal and provincial governments have supported the objectives of the Decade and have continued their efforts towards their realization.

3. Human Rights and Education

The Committee mentioned above has addressed itself to the question of Human Rights and Education. It has prepared a brief for submission to the Council of Ministers of Education making various recommendations on the inclusion of human rights in the school curriculum and on a number of human rights issues with which the school might be confronted, including problems of racism and racial discrimination.

4. Contribution of citizens groups

While this report deals primarily with measures adopted by the governments it should be noted that non-governmental organizations and various citizens groups have been very active during the period under review and have contributed their efforts to the realization of the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.

SECOND PART: FEDERAL GOVERNMENT

This part of the report deals with measures taken by the federal government that give effect to the provisions of the Convention.

More particularly account will be given of the enactment of the Canadian Human Rights Act and of the establishment of a Canadian Human Rights Commission.

Canada has strongly condemned the policy of apartheid on a number of occasions and the Secretary of State for External Affairs has announced a phasing out of all government-sponsored commercially-supported activities in South Africa.

The Interdepartmental Committee on Human Rights, established in 1975, created a task force on the Decade for Action to Combat Racism and Racial Discrimination. The task force submitted a number of recommendations to the Committee.

Account will also be given of various other measures including a number of programmes designed to eliminate racial discrimination and its effects.

1. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

(a) Condemnation of racial segregation and apartheid, in accordance with article 3;¹

Canada has frequently expressed its strong condemnation of the concept and practice of racial segregation and apartheid. The rejection of the policy of apartheid was reiterated by its representative at the thirty first session of the United Nations General Assembly on November 1, 1976² and by Canada's Permanent Representative to the U.N. before the U.N. Security Council on March 30, 1977. Canada declared its support for intensified international efforts to expose the government of South Africa and its electorate to demands for fundamental change.

Its representatives also outlined the tangible evidence Canadians have given of their concern for the majority people of southern Africa by their substantial financial contributions to assist the African peoples of southern Africa, their scrupulous enforcement of the voluntary embargo on the sale of military equipment to South Africa, their support for a sports boycott of that country and their rejection of its Bantustan policy.

Canada also participated in the World Conference for Action Against Apartheid which took place in Lagos, Nigeria from August 22-26, 1977. The Canadian Delegate, who

1. The titles numbered 1 to 4 and the sub-titles (a) up to (e) are the titles contained in the guidelines received from the Secretary General of the United Nations.

2. Press Release No. 28 of the Canadian Delegation to the 31st Session of the United Nations General Assembly. Copies are forwarded to the Secretary General along with this report.

was elected Vice-President of the Conference, delivered a message on behalf of the Prime Minister expressing support for the aims of the Conference and pledging the active involvement of the Canadian Government.¹

In November, 1977, in response to clear evidence of increasing repression in South Africa, Canada joined with the other members of the U.N. Security Council in unanimously agreeing to make the arms embargo against South Africa mandatory under Chapter VII of the U.N. Charter.

Subsequently, on December 19, 1977 the Secretary of State for External Affairs announced to the House of Commons that Canada was "phasing out all its government-sponsored commercially-supported activities in South Africa."²

In accordance with this decision the Minister indicated that Canada would withdraw its commercial counselors from Johannesburg as quickly as possible and close the office of the Canadian consulate general in that city. He further indicated that the commercial officers would be withdrawn from Cape Town.

In addition to this phasing out of commercial activities the Minister announced that Canada would withdraw all Export Development Corporation government account support from any transactions relating to South Africa. This involves, for example, export credit insurance and loan insurance, as well as foreign investment type of insurance.

1. Communique no. 63 of the Department of External Affairs dated August 25, 1977. Copies are being sent to the Secretary general along with this report.

2. Commons Debates, December 19, 1977, pages 2000 and following.

The Minister also announced that, after consultation with the Canadian companies concerned, a code of conduct and ethics for Canadian companies operating in South Africa would be published, designed to govern their employment and similar practices. He also mentioned that Canada was also establishing possible codes of conduct for further investment by Canadians in Namibia.

- (b) *Prohibition and elimination of racial discrimination in all its forms, as enumerated in article 5, especially in the field of political, civil, economic, social and cultural rights and the right of access to any place or service intended for use by the general public;*

The Canadian Human Rights Act

The existence of fundamental human rights and freedoms, including the right of every individual to participate in society without encountering discrimination, is a basic and underlying principle which has long been recognized by the Parliament and Government of Canada at both the international and domestic level. The new Canadian Human Rights Act adopted in 1977¹ gives further legal recognition to these rights by providing, for the first time, a comprehensive set of rules against discrimination at the federal level.

The objectives of the Government of Canada in proposing the adoption of the Canadian Human Rights Act,

1. The Canadian Human Rights Act, s.c. 1976-77, c.33. Passed by the House of Commons on June 2, 1977 and by the Senate on July 7, 1977, the Act was given Royal Assent on July 14, 1977. Part II, establishing the Canadian Human Rights Commission was proclaimed and entered into force on August 10, 1977. The other parts were proclaimed and entered into force on March 1st, 1978. Copies are being forwarded to the Secretary General along with this report.

were to state the existing law of Canada with regard to discrimination in as simple and straight-forward a manner as possible, to make this law as comprehensive and effective as possible, to bring the law under one single statute and to entrust its administration to a single independent body, the Canadian Human Rights Commission.

In accordance with these objectives, the new Act expands the existing protection against discriminatory practices in employment practices and extends similar protection to services, facilities and accommodations coming within the legislative authority of the Parliament of Canada. These include such matters as services, facilities and accommodations provided by banks, railways and airlines as well as agencies and departments of the federal government.

In the words of the Act:

"every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex or marital status, or conviction for an offence for which a pardon has been granted or by discriminatory employment practices based on physical handicap;" paragraph 2.(a).

Canadian Human Rights Commission

The Canadian Human Rights Act provides for the establishment of a Canadian Human Rights Commission consisting of a Chief Commissioner, a Deputy Chief Commissioner and not less than three or more than six other members, to be appointed by the Governor in Council. (Subsection 21(1)).¹

Subsection 22 (1) of the Act describes the duties and functions of the Commission as follows:

"In addition to its duties under Part III with respect to complaints regarding discriminatory practices, the Commission is generally responsible for the administration of Parts I, II and III and

(a) shall develop and conduct information programs to foster public understanding of this Act and of the role and activities of the Commission thereunder and to foster public recognition of the principles described in section 2;

(b) shall undertake or sponsor research programs relating to its duties and functions under this Act and respecting the principles described in section 2;

(c) shall maintain close liaison with similar bodies or authorities in the provinces in order to foster common policies and practices and to avoid conflicts respecting the handling of complaints in cases of overlapping jurisdiction;

(d) shall perform duties and functions to be performed by it pursuant to any agreement entered into under subsection (4);

1. As provided for in the Act eight Commissioners have been appointed.

(e) may consider such recommendations, suggestions and requests concerning human rights and freedoms as it receives from any source and, where deemed by the Commission to be appropriate, include in a report mentioned in section 47 reference to and comment on any such recommendation, suggestion or request;

(e.1) shall carry out or cause to be carried out such studies concerning human rights and freedoms as may be referred to it by the Minister of Justice and include in a report mentioned in section 47 a report setting forth the results of each such study together with such recommendations in relation thereto as it considers appropriate;

(f) may review any regulations, rules, orders, by-laws and other instruments made pursuant to an Act of Parliament and, where deemed by the Commission to be appropriate, include in a report mentioned in section 47 reference to and comment on any provision thereof that in its opinion is inconsistent with the principles described in section 2;

(g) shall, so far as is practical and consistent with the application of Part III, endeavour by persuasion, publicity or any other means that it considers appropriate to discourage and reduce discriminatory practices referred to in sections 5 to 13; and

(h) shall encourage the development and improvement, to the extent practical and within the legislative authority of Parliament, of arrangements for physically handicapped persons to have access to goods, services, facilities and accommodation that are customarily available to other persons."

- (c) *Assuring 'everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination', in accordance with article 6.*

The Canadian Human Rights Act provides for protection and remedies through the Canadian Human Rights Commission against acts of racial discrimination. Part III of the Act explains how complaints may be processed.

Any individual or group of individuals having reasonable grounds for believing that a person is engaging or has engaged in a discriminatory practice, may file a complaint with the Commission. Subsection 32(1).

Where the Commission has reasonable grounds for believing that a person is engaging or has engaged in a discriminatory practice, the Commission may initiate a complaint. Subsection 32(3).

The Commission may designate a person to investigate a complaint. Subsection 35(1).

Section 37 provides that the Commission may appoint a "conciliator" for the purpose of attempting to bring about a settlement of the complaint.

The Commission may, at any stage after the filing of a complaint, appoint a Human Rights Tribunal to inquire

into the complaint. Subsections 41 (2) and 41 (3) of the Act provide that:

"(2) If, at the conclusion of its inquiry, a Tribunal finds that the complaint to which the inquiry relates is substantiated, subject to subsection (4) and section 42, it may make an order against the person found to be engaging or to have engaged in the discriminatory practice and include in such order any of the following terms that it considers appropriate:

(a) that such person cease such discriminatory practice and, in consultation with the Commission on the general purposes thereof, take measures, including adoption of a special program, plan or arrangement referred to in subsection 15(1), to prevent the same or a similar practice occurring in the future;

(b) that such person make available to the victim of the discriminatory practice on the first reasonable occasion such rights, opportunities or privileges as, in the opinion of the Tribunal, are being or were denied the victim as a result of the practice;

(c) that such person compensate the victim, as the Tribunal may consider proper, for any or all of the wages that the victim was deprived of and any expenses incurred by the victim as a result of the discriminatory practice; and

(d) that such person compensate the victim as the Tribunal may consider proper, for any or all additional cost of obtaining alternative goods, services, facilities or accommodation and any expenses incurred by the victim as a result of the discriminatory practice.

(3) In addition to any order that the Tribunal may make pursuant to subsection (2), if the Tribunal finds that

(a) a person is engaging or has engaged in a discriminatory practice wilfully or recklessly, or

(b) the victim of the discriminatory practice has suffered in respect of feelings or self-respect as a result of the practice,

the Tribunal may order the person to pay such compensation to the victim, not exceeding five thousand dollars, as the Tribunal may determine."

If a Tribunal is composed of fewer than three members, an appeal may be made against its decision to a Review Tribunal constituted by the Commission.

Section 43 of the Act provides that any order of a Tribunal or of a Review Tribunal may, for the purpose of enforcement, be made an order of the Federal Court of Canada and is enforceable in the same manner as an order of that Court.

Every person is guilty of an offence who fails to comply with the terms of a settlement, who obstructs an investigator or a Tribunal, who reduces wages in order to eliminate a discriminatory practice, or who threatens, intimidates or discriminates against an individual because that individual has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under the Act. The penalty, if the accused is an employer, an employer association or

an employee organization is a fine not exceeding fifty thousand dollars; in any other case a fine not exceeding five thousand dollars.

During the period under review the machinery which was used to deal with complaints of racial discrimination was the same as already described in previous reports. The Rights in Employment Division of the Department of Labour was responsible for the enforcement of the First Part of the Canada Labour Code¹ dealing with Fair Employment Practices, and the Anti-Discrimination Branch of the Public Service Commission was responsible for the enforcement of the anti-discrimination provisions of section 12 of the Public Service Employment Act.²

Rights in Employment Division, Department of Labour

With respect to complaints coming within the responsibility of the Department of Labour, it is noted that all complaints have been settled prior to the calling of an Industrial Inquiry Commission as provided for in the Labour Code if the officer assigned to inquire into the complaint is unable to effect a settlement.

Settlements of the complaints received may be classified as follows:

1. Complaints dismissed due to lack of evidence to substantiate the allegation.

1. This part of the Code was repealed by the entry into force of the Canadian Human Rights Act on March 1st, 1978.

2. The Anti-Discrimination Branch continues to exert these responsibilities but, following the entry into force of the Canadian Human Rights Act on March 1st, 1978, complaints relating to public service employment may also be handled by the Canadian Human Rights Commission.

2. Complaints upheld and a settlement negotiated which was mutually agreeable to all parties to the complaint.

3. Settlements offered by respondent at various stages of the investigation process and accepted by the complainant, making it unnecessary to determine whether or not the allegation should have been upheld or dismissed.

4. Complaints withdrawn voluntarily by the complainant at various stages of the investigation process.

Terms of settlement of complaints settled prior to the public inquiry stage varied according to the strength or weakness of the evidence supporting the allegation and/or the inclination of the respondent and the complainant to demonstrate a spirit of co-operation and good will in the particular situation.

Anti-Discrimination Branch, Public Service Commission

The following table presents the figures as to the number and disposition of complaints received by the Anti-Discrimination Branch of the Public Service Commission between 1975 and 1977.

COMPLAINTS AGAINST ALLEGED RACIAL DISCRIMINATION IN THE
FEDERAL PUBLIC SERVICE 1975-1977

| | 1975* | 1976* | 1977* |
|----------------------------|-------|-------|-------|
| No. of complaints received | 60 | 42 | 43 |
| Closed at year end | 46 | 35 | 56 |

| | 1975* | 1976* | 1977* |
|-------------|-------|-------|-------|
| Settled | 18 | 19 | 11 |
| Dismissed | 16 | 4 | 33 |
| Withdrawn | 7 | 4 | 4 |
| Referred | 3 | 3 | 1 |
| Refused | 2 | 4 | 5 |
| Cancelled | - | 1 | 2 |
| *Full year. | | | |

2. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *The undertaking 'to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation', in accordance with article 2.1 (a);*

The provisions of the Canadian Human Rights Act are binding on the federal government. Subsection 63 (1).

Equality of prospective immigrants

The policy of equal treatment for all immigrants is guaranteed by legislation; paragraph 3(f), an objective of the Immigration Act, 1976¹ reads as follows:

"to ensure that any person who seeks admission to Canada on either a permanent or temporary basis is subject to standards of admission that do not discriminate on grounds of race, national or ethnic origin, colour, religion or sex;"

1. The new Act was given Royal Assent on August 5, 1977, and entered into force on April 10, 1978.

- (b) *The undertaking 'not to sponsor, defend or support racial discrimination by any persons or organizations', in accordance with article 2.1(b);*

It has been a long time policy of the federal authorities not to sponsor, defend or support racial discrimination by any persons or organizations.

The Canadian Human Rights Act, in addition to the provisions already explained, specifically provides (under section 19) that:

"The Governor in Council may make regulations respecting the terms and conditions to be included in or applicable to any contract, licence or grant made or granted by Her Majesty in right of Canada providing for

(a) the prohibition of discriminatory practices described in sections 5 to 13; and

(b) the resolution, by the procedure set out in Part III, of complaints of discriminatory practices contrary to such terms and conditions."

- (c) *The undertaking 'not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination', in accordance with article 4 (c).*

Section 12 of the Canadian Human Rights Act provides that:

"It is a discriminatory practice to publish or display before the public or to cause to be published or displayed before the public any notice, sign, symbol, emblem or other representation that

(a) expresses or implies discrimination or an intention to discriminate, or

(b) incites or is calculated to incite others to discriminate

if the discrimination expressed or implied, intended to be expressed or implied or incited or calculated to be incited would otherwise, if engaged in, be a discriminatory practice described in any of sections 5 to 11."

3. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

(a) *The undertaking 'to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists', in accordance with article 2.1 (c);*

The Canadian Human Rights Act provides that the Canadian Human Rights Commission:

"may review any regulations, rules, orders, by-laws and other instruments made pursuant to an Act of Parliament and, where deemed by the Commission to be appropriate, include in a report mentioned in section 47 reference to and comment on any provision thereof that in its opinion is inconsistent with the principles described in section 2;" paragraph 22,f.

- (b) *The undertaking 'to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization', in accordance with article 2.1(d);*

The enactment of the Canadian Human Rights Act and the setting up of the Canadian Human Rights Commission were the main steps taken by the Federal Government to bring racial discrimination to an end.

Various other activities already mentioned in other reports have continued and in some cases have been expanded. Reference to such activities will be made under subsections 4 a), b) and c).

- (c) *The undertaking to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of racial segregation and apartheid in accordance with article 3;*
- (d) *The undertaking to 'declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof', in accordance with article 4 (a);*

Following representations made by the Attorney General of the Province of Ontario to the effect that the provisions of the Criminal Code were not adequate to deal with telephonically communicated messages, an appropriate

provision has been included in the new Human Rights Act, which reads as follows:

"It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination."
(Subsection 13(1)).

- (e) *The undertaking to 'declare illegal and prohibit organizations, and also organised and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law', in accordance with article 4(b).*
- 4. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*
 - (a) *The undertaking 'to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division', in accordance with article 2.1(e);*

During the period under review the Department of the Secretary of State has maintained various programmes with such or similar aims. In particular the Multiculturalism Directorate continued to assist voluntary organizations to, among other things, develop programs and activities which increase inter-cultural exchanges and communications, towards greater understanding among all Canadians. Other activities initiated by the Directorate are designed to influence positively the attitudes of Canadians in order to create the kind of atmosphere in which the diverse races and cultures can flourish harmoniously.¹

- (b) *The undertaking to take, 'when circumstances so warrant', 'in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms', in accordance with article 2.2;*

Many programmes of different departments meet this objective. Such attempts are being made in particular to help overcome the disadvantages suffered by native peoples (Indians, Metis, non-status Indians and Inuit).

Department of Indian Affairs and Northern Development

There are approximately 290,000 registered Indians and about 18,500 Inuit in Canada. While the majority of registered Indians live on lands reserved for their exclusive use and benefit as stipulated by both treaties and legislation,

1. For more details see "Abstracts from the Annual Report of the Department of the Secretary of State for the Year ending March 31, 1977" copies of which are being forwarded along with this report.

they enjoy the same right of free movement as other Canadians. In fact, almost one-third of all registered Indians currently live off-reserve, in other Canadian communities.

The Department of Indian Affairs and Northern Development is placing particular emphasis on activities related to local self-government and decision-making for Indian and Inuit peoples. The objective of this thrust is to enable Indian and Inuit communities to increasingly assume control of their own local affairs. Assistance is provided to expand the teaching and use of native languages in schools of the two Territories in northern Canada and on Indian reserves. Control of Indian education is increasingly exercised by Indian communities in order to preserve and develop their cultural identity.

Between 1970 and 1977 the Federal Government provided almost \$24 million to enable Indian, Inuit and non-status (not registered) native groups to research, develop and negotiate different types of native land claims deriving from unfulfilled treaty obligations, past administration of the Indian Act, or historic use and occupancy of land. In 1977, the Federal Parliament and the legislature of Quebec passed legislation giving effect to a negotiated land claims settlement involving the Federal Government, Indian and Inuit groups in the James Bay area and the province of Quebec. Similar claims of a comprehensive nature are under consideration in the Yukon Territory and Northwest Territories.

Both the Indian people and the Federal Government recognize that the present Indian Act, which has not been substantially amended since 1951, should be updated to accord with the current needs and aspirations of the Indian people. A process of revision is now underway. In pursuit of its policy of consulting the Indian people about major policy issues affecting them, including revision of the Indian Act, this legislation was exempted from any possible overriding effect of the Canadian Human Rights Act for the time being. This does not however exclude Indians as individuals from the protection conferred by the Canadian Human Rights Act. Among the priority targets of the revision process are sections of the Indian Act which have an adverse effect on the status and rights of certain Indian women.

Federal-Provincial Conference on Native Peoples and the Criminal Justice System

The Federal-Provincial Conference on Native Peoples and the Criminal Justice System, held in February, 1975, helped initiate important changes in this area, for example in increasing policing by native persons in native communities and in giving impetus to make the court system flexible enough to take native culture into account, particularly for the Inuit, by engaging native court workers.

Native Citizens Directorate of the Department of the Secretary of State

The Native Citizens Directorate overriding objective is to assist native people to identify their needs and

actively enhance their own development, through various programmes: the Core and Communications Workers' Programme, the Migrating Native Peoples' Programme, the Native Communications Programme, the Native Social and Cultural Development Programme and the Native Women's Programme.¹

Employment and Immigration Commission²

The Employment and Immigration Commission is pursuing the elimination of any discriminatory practice in the labour market that is based on sex, race, age, physical or mental handicap or minority group membership. Through its Affirmative Action strategy the Commission will be taking positive measures to reduce the economic disadvantages encountered by women and native people.

A Native Employment Division was established to further the channeling of employment-related services to all native peoples, i.e., Status Indians, Metis, non-status Indians and Inuit, and to monitor the effectiveness of these services in the alleviation of the high rate of unemployment among Natives. The Division is complemented in the regions by Native Employment Co-ordinators charged with a similar function. Also, there are 55 Native Employment Counsellors and consultants working in local Canada Manpower Centres to enhance the relations between employers and prospective Native employees.

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1. For more details see "Abstracts from the Annual Report of the Department of the Secretary of State for the year ending March 31, 1977", of which copies are being forwarded to the Secretary General along with this report.
 2. Formerly called the Department of Manpower and Immigration.

The objective of the Commission's Native employment policy is to achieve the full productive potential of Canada's Native population while supporting Native individuals and communities in the pursuit of their economic needs and self-fulfillment through work. The Commission will give a high priority to native employment in the administration of its programs and the allocation of its funds. Not only will certain programs for which Native people are the main beneficiaries be continued, but all other Commission programs will also be made more sensitive to the employment needs of people of native ancestry.

A Native Contributions Program has been established within the Commission's Grants and Contributions Program allowing Native groups to explore the labour market to identify their employment needs and to develop strategies for their entrance to the labour force.

The Commission co-operated with Manitoba and the Department of Regional Economic Expansion in a New Careers Program which provides training and upgrading for disadvantaged groups in that province.

Native Employment in the Public Service

The Public Service Commission has for some time been concerned about the lack of participation in the public service by native persons. Positive action by the Commission resulted in increased recruitment of native persons. In 1975 and 1976 their numbers in the public service were doubled, and several native persons received senior appointments in the Department of Indian Affairs and Northern Development.

Canadian Human Rights Act

The principles of Article 2.2 of the International Convention on the Elimination of All Forms of Racial Discrimination had been recognized in Canada and they have inspired such programmes as described above. These principles have been embodied in the Canadian Human Rights Act mentioned previously. Subsection 15 (1) of the Act provides that:

"It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap of members of that group, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group".

In addition Subsection 15(2) provides that the Canadian Human Rights Commission may at any time

"(a) make general recommendations concerning desirable objectives for special programs, plans or arrangements referred to in subsection (1); and

(b) on application, give such advice and assistance with respect to the adoption or carrying out of a special program, plan or arrangement referred to in subsection (1) as will serve to aid in the achievement of the objectives the program, plan or arrangement was designed to achieve."

- (c) *The undertaking 'to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention', in accordance with article 7.*

Section 22 of the new Canadian Human Rights Act directs the Canadian Human Rights Commission to develop and conduct information programmes to foster public understanding of this Act and of the role and activities of the Commission and to foster public recognition of the principles described in section 2; to undertake or sponsor research programmes; to maintain close liaison with similar bodies or authorities in the provinces to foster common policies and practices; to consider recommendations, suggestions and requests concerning human rights and freedoms from any source; and to endeavour by persuasion, publicity or any other means that it considers appropriate to discourage and reduce discriminatory practices.

During the period under review the Group Understanding and Human Rights Division of the Department of the Secretary of State continued to provide grants to voluntary organizations attempting to reduce prejudice and discrimination related to racial or ethnic background and to promote the implementation of human rights and fundamental freedoms at the regional and national levels, and sponsored research

projects mainly in the area of race discrimination. The grant budget of that division was increased from \$140,000 in 1975-76 to \$955,000 in 1976-77.¹

Various public agencies such as the Canadian Broadcasting Corporation, the National Film Board and the National Museums have contributed their efforts to promoting understanding between groups as well as combating prejudice and racial discrimination.

1. For more details see "Abstracts from the Annual Report of the Department of the Secretary of State for the year ending March 31, 1977", of which copies are being forwarded to the Secretary General along with this report.

THIRD PART: PROVINCES

This part will deal with measures adopted by the provinces and that give effect to the provisions of the Convention.

During the period under review all provinces have continued their activities in the area of human rights, principally in the area of combating prejudice and racial discrimination.

In this report, the new laws adopted by the provinces of Prince Edward Island and Quebec during the period under review together with the setting up of human rights commissions in these two provinces will be more particularly accounted for. Account will also be made of amendments made to the Manitoba Human Rights Act. All the provinces have adopted such laws and established such agencies. Previous reports have given an account of such measures as adopted by the other provinces.

Information is also provided on current activities and special efforts of many other provinces.

2. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:
 - (a) Condemnation of racial segregation and apartheid, in accordance with article 3;
 - (b) Prohibition and elimination of racial discrimination in all its forms, as enumerated in article 5, especially in the field of political, civil, economic, social and cultural rights and the right of access to any place or service intended for use by the general public;

New human rights laws in Prince Edward Island and in Quebec

Prince Edward Island

A new Human Rights Act adopted by the Province of Prince Edward Island was assented to December 12, 1975 and was proclaimed on September 11, 1976.¹ The Act replaces the 1968 legislation called An Act Respecting Human Rights.

The new Act extends particular protections against discrimination on grounds of race, colour, ethnic or national origin. These protections apply to: enjoyment of public accommodation, services and facilities; occupancy rights to commercial or dwelling units; property sales, employment, pay; membership in: business, professional, or trade organizations, volunteer service, advertising, freedom of association, and - finally - against reprisal to complainants.

1. Human Rights Act. Chapter 72, Laws of Prince Edward Island. Copies are being forwarded to the Secretary General along with this report.

The new Act provides for a citizen board of Commissioners. Three citizens have been appointed by government to carry out the Human Rights Act as members of the commission. These persons were selected from a list of names received by soliciting candidates from various citizen groups across the province.

Quebec

The Charter of Human Rights and Freedoms which had been assented to June 27, 1975, was proclaimed and entered into force on June 28, 1976.¹

Several provisions of the Charter deal particularly with discrimination based on race, colour, sex, civil status, religion, political convictions, language or on ethnic or national origins or social condition (section 10). Discriminatory publicity is prohibited (section 11), just as discrimination in the making or the carrying out of any juridical act, (sections 12 and 13) excepting the lease of a room situated in a dwelling (section 14). Similarly, public places and public transportation are available to everyone without distinction or preference (section 15). Finally, all discrimination is prohibited in the entire sector of labour, and the principle of equal salary or wages for equivalent work at the same place is officially recognized (sections 16 to 20).

Part II of the Charter establishes a human rights commission (Commission des droits de la personne) whose members are appointed by the National Assembly (section 58),

1. Copies are being forwarded to the Secretary General along with this report.

whose employees are not members of the civil service (section 60) and whose functions are, in particular, to promote the Charter (section 66), to investigate matters within its competence, analyse existing laws which could be inconsistent with the Charter and establish a programme of research and education in the field of human rights (section 67).

The eleven members of the Commission were appointed in 1975, following the adoption of the Charter. The Commission is linked to the Department of Justice for administrative purposes, but it reports annually to the legislative assembly (Assemblée nationale).

With the entry into force of the Charter on June 28, 1976, the Commission became operative and it opened its doors to the public.

Manitoba: Amendments to the Human Rights Act

The Manitoba Human Rights Act was amended in 1976. Among the amendments brought to the Act a new feature of "reasonable cause" was added as a ground of complaint in accommodation and housing. Such facilities cannot be denied to anyone unless "reasonable cause" exists for the denial. The Act provides that the race, nationality, religion, colour, sex, age, marital status, family status (in the case of housing only), source of income (housing only) or ethnic or national origin of a person does not constitute "reasonable cause". Other amendments will be described under other pertinent headings.¹

1. Copies of the Act as amended are being forwarded to the Secretary General along with this report.

Ontario: Review of the Human Rights Code

In 1975 and 1976, the Ontario Human Rights Commission undertook a major review of the Ontario Human Rights Code, conducting a number of public meetings and receiving over 300 written briefs. In July 1977, the Commission issued "Life Together: A Report on Human Rights in Ontario". The Report recognized the changing nature of human rights issues and problems in Ontario, and made 97 recommendations for amending the Code, expanding the mandate of the Commission, and introducing greater awareness of human rights issues into the programs of government ministries and other public bodies. The Report is currently under study and review by the provincial government.¹

- (c) *Assuring 'everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination', in accordance with article 6.*

Alberta: Human Rights Commission

The Alberta Human Rights Commission is comprised of seven commissioners drawn from the general public, and a staff of 23, located both in Edmonton and Calgary. During 1975-76, the Commission received 3600 inquiries of various kinds. In 2200 instances, members of the staff were able

1. Copies are being forwarded to the Secretary General along with this report.

to provide the necessary information, and in the remaining 1400, they were able to refer the people involved to an appropriate agency. During the same year, the Commission also dealt with 310 informal complaints, involving a human rights principle over which the Commission has no legal jurisdiction, but which nevertheless warranted the attention of the Commission's staff in an effort to reduce unjustified practices. In addition, the staff was involved in 520 formal complaint cases, of which half involved discriminatory practices based on sex, and the other half related primarily to racially-oriented problems.

British Columbia: Human Rights Branch

The Human Rights Branch of the Ministry of Labour is responsible for enforcing the statutory provisions of the B.C. Human Rights Code which prohibits discrimination in the areas of public services, tenancy and employment, on the basis of race, colour, ancestry and place of origin, among other things.

In 1977, the Human Rights Branch received over 4,100 inquiries. A significant number sought information and advice as to the provisions of the Code. Often policies and practices that could have led to a complaint were rectified at an early, preventative stage through consultation of this kind. 692 formal complaints were investigated by the Human Rights Branch in 1977.

Formal complaints are investigated and attempts are made to settle those complaints which are substantiated.

Where a complaint is not settled to the satisfaction of the parties involved, the case is referred to the Minister of Labour who may appoint a Board of Inquiry. A Board of Inquiry's decision is binding on the parties to the complaint. In cases where a Board of Inquiry finds that a contravention has taken place, the Board must issue a cease and desist order and may order to compensate the victim.

Manitoba: Expansion of the powers of the Human Rights Commission and of the Boards of Adjudication

One of the 1976 amendments to the Human Rights Act altered the powers of the Manitoba Human Rights Commission to provide certain options relative to the processing of complaints through settlement, boards of adjudication, or prosecution.

Prior to 1976, a Board of Adjudication had power to order compensation only for "wages lost" which usually applied only in a limited number of employment cases. 1976 amendments expanded the powers of the Boards to permit the making of an order to compensate the person discriminated against for expenses incurred by reason of the contravention of the Act, and to permit the making of an order to pay a penalty or exemplary damages in respect of the feelings or self-respect of the aggrieved person. In the opinion of the Commission this provision enables it to deal more effectively with other than employment complaints and

particularly affects securing compliance in housing which is the area of most race complaints handled by the Commission.

Nova Scotia: Court case concerning Indian Rights

In November 1975, the appeals division of the Nova Scotia Supreme Court, basing its ruling on a 200-year-old British royal edict, has ruled that Indians in Nova Scotia do not have to obey provincial hunting laws on reserves.

The precedent-setting judgment ruled that the Royal Proclamation of 1763, giving Indians the right to use reserve lands for whatever purpose they choose, supercedes the Nova Scotia Lands and Forests Act.

Prince Edward Island: Human Rights Commission

The Prince Edward Island Human Rights Commission established under the Act is empowered to investigate complaints, attempt reconciliation or recommend a Board of Inquiry for complaints that cannot be settled by conciliation. A Board of Inquiry has all the powers (Subsection 24.4) of a Commissioner under the Public Inquiries Act. The Commission is directed to recommend to the Minister responsible for the Act any action necessary to give effect to the recommendations of the Board of Inquiry. (Subsection 26.3). And the Minister may issue whatever order he considers necessary to carry the recommendations of the Commission into effect (Subsection 27.1). Penalties for

offences under the Act or for not complying with an order made under the Act are provided for (section 28-31).

Quebec: Human Rights Commission

Under the Charter of Human Rights and Freedoms the human rights commission (Commission des droits de la personne) is empowered to receive any complaint relating to a right recognized in sections 10 to 19 or in the first paragraph of section 48 whether the complaint emanates from an individual or from a group of persons (sections 69 and 70). The Commission will then endeavour to bring the parties to an agreement (section 81). It may recommend the cessation of the act complained of, the performance of an act or the payment of an indemnity within the delay it fixes (section 82). If the author of the discrimination does not comply with the recommendation issued by the Commission, the Commission itself may proceed before the courts (section 83).

Part III of the bill establishes what constitutes an offence in matters of discrimination (section 87).

2. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *The undertaking 'to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation', in accordance with article 2.1(a);*

The human rights laws of all the provinces are binding on the Crown. The new legislation adopted by the province of Prince Edward Island and by the province of Quebec during the period under review are also binding on the Crown.

- (b) *The undertaking 'not to sponsor, defend or support racial discrimination by any persons or organizations', in accordance with article 2.1(b);*

Saskatchewan

The Saskatchewan Human Rights Commission has recommended that services and contracts offered to the public be specifically mentioned in the human rights laws. It has also recommended that the Government of the Province refuse to do business with any company that does not obey the laws.

- (c) *The undertaking 'not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination', in accordance with article 4(c).*
3. *Information on the legislation, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*
- (a) *The undertaking 'to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists', in accordance with article 2.1(c);*

Manitoba

The Manitoba Human Rights Commission has conducted a review of Manitoba statutes and regulations to identify any which may be inconsistent with human rights legislation. The survey was conducted with a view towards making recommendations to government to amend any laws or regulations which appear to be in conflict.

Prince Edward Island

The new Human Rights Act provides the following:

"This Act shall, at the expiration of three years from the date of this Act coming into force, be deemed to prevail over all other laws of this province and such laws shall be read as being subject to this Act; between the date of this Act coming into force and the expiration of the said three-year period it is the express intention of the legislature that inconsistencies between the statutes and regulations of this province and this Act be removed." Subsection 1(2).

Quebec

Under the Charter of Human Rights and Freedoms the human rights commission (la Commission des droits de la personne) has the duty to:

"make an analysis of any Québec statutes existing prior to this Charter that may be inconsistent with it and make the appropriate recommendations to the Government;"

The Charter also provides that:

"Sections 9 to 38 prevail over any provision of any subsequent act which may be inconsistent therewith unless such act expressly states that it applies despite the Charter".
Section 52.

Saskatchewan

The Saskatchewan Human Rights Commission is currently reviewing the statutes of Saskatchewan and making recommendations to government about amending, rescinding or nullifying any laws and regulations which have the effect of creating or perpetuating racial discrimination.

(b) The undertaking 'to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization', in accordance with article 2.1(d);

During the period under review the adoption of a new Human Rights Act by the province of Prince Edward Island and the entry into force of the Quebec Charter of Human Rights and Freedoms were the main legislative activities aimed at bringing an end to racial discrimination in the provinces. All the provinces have now adopted such legislation and all have established human rights enforcement agencies. Previous reports have outlined developments in the other provinces.

During the period under review all the provincial human rights agencies have continued to exercise the mandate given to them by law for the enforcement of anti-

discrimination provisions and have taken various other steps to bring an end to racial discrimination. Other parts of this report describe some of these steps, part 4 a, b, and c in particular.

- (c) *The undertaking to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of racial segregation and apartheid, in accordance with article 3;*
- (d) *The undertaking to 'declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof', in accordance with article 4 (a);*

Manitoba

In 1976 the province of Manitoba amended the provision of its Human Rights Act dealing with the publishing of any representation indicating discrimination to make it more comprehensive and to prohibit the exposition of a person to hatred. The new provision reads as follows:

"No person shall

(a) publish, display, transmit or broadcast, or cause to be published, displayed, transmitted or broadcast; or

(b) permit to be published, displayed, broadcast or transmitted to the public, on lands or premises, in a newspaper, through television

or radio or telephone, or by means of any other medium which he owns or controls;

any notice, sign, symbol, emblem or other representation

(c) indicating discrimination or intention to discriminate against a person; or

(d) exposing or tending to expose a person to hatred;

because of the race, nationality, religion, colour, sex, marital status, age, source of income, family status, ethnic or national origin of that person". Subsection 2 (1).

Prince Edward Island

The new Human Rights Act provides that:

"No person shall publish, display or broadcast, or permit to be published, displayed or broadcast on lands or premises, or in a newspaper or through a radio or television broadcasting station or by means of any other medium, any notice, sign, symbol, implement or other representation indicating discrimination or an intention to discriminate against any person or class of persons." Subsection 12(1).

Quebec

The Charter of Human Rights and Freedoms provides that:

"No one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so." Section 11.

(e) The undertaking to 'declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law, in accordance with article 4(b).

4. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

(a) The undertaking 'to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division', in accordance with article 2.1(e);

British Columbia

The B.C. Human Rights Commission, which was created under the Human Rights Code is an independent body responsible for promoting the principles of the Code. It works closely with community groups and encourages and coordinates programmes and activities to eliminate discriminatory practices.

It may approve programmes that are designed to promote the welfare of identifiable groups. Examples include the Equal Employment Opportunities Program instituted

by the Vancouver Resources Board, and the City of Vancouver's Equal Employment Opportunities Program.

Because of it's independent role the commission may make submissions to the government or any other body on any issue related to Human Rights.

Manitoba

In addition to its regular activities, the Manitoba Human Rights Commission sponsored a special four day schedule of human rights activities for community groups in Winnipeg and Brandon in recognition of the United Nation's Decade for Action to Combat Racism and Racial Discrimination. The event featured panels and workshops aimed at building effective working relationships between human rights agencies and volunteer community groups at local levels.

During the period under review most provinces have developed multicultural activities. The provinces of Alberta, Manitoba, Nova Scotia, Ontario and Saskatchewan have all been particularly active in this area.

Ontario

A Multicultural Development Branch was established in October 1975 to form part of the Citizenship and Multiculturalism Division of the Ministry of Culture and Recreation. The objectives of the Branch are:

- to develop and support programs aimed at improving race and intergroup relations;
- to provide a greater awareness of the multicultural nature of Ontario;
- to further group participation in community issues related to multiculturalism;
- to assist in encouraging responsible citizenship and active involvement in society of the diverse social and ethnocultural groups that comprise the population of the province.

Two of the guiding principles are that, first, through a process of co-operative community education, government and society should take positive steps to eliminate prejudice, race hatred and discrimination in the province; and secondly, that government and other institutions in society should be responsive to the needs of Ontario's multicultural population.

In May 1977 the Premier announced the Ontario Government's policy on multiculturalism which includes

three elements: the basic equality of all members of Ontario's society; access to government services and participation in decision-making on the part of all residents; and cultural retention and sharing. In order to ensure the fullest application of this policy an Interministerial Committee on Multiculturalism has been established whose mandate is to provide a forum for a continuing review of policies, programs, practices and reports related to multiculturalism, and to interpret government policies related to multiculturalism to all public servants.

Activities of the Branch encourage effective communication among established governmental organizations, public institutions and ethnocultural communities. Workshops, conferences and staff training seminars are sponsored for teachers, social workers, health care professionals and others serving diverse ethnocultural populations. Considerable emphasis is placed on the development of printed and audio-visual materials, and on the development of innovative programs pertaining to the sharing of concerns in intercultural or race relations.

Financial assistance is available to community groups to support the development of projects directly related to the objectives of the Branch.

- (b) *The undertaking to take, 'when circumstances so warrant', in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms', in accordance with article 2.2;*

Manitoba

Section 9 of the Human Rights Act provides for the approval by the Human Rights Commission of special plans or programs designed to increase the employment of members of various minority groups and women. The Commission has approved several programs under this section, including one from the provincial government, the largest employer in Manitoba.

In a policy directive issued to all provincial departments in November 1975, the Premier of Manitoba committed the government to develop and implement equal opportunity programs for the civil service within the next two years. The target groups identified for this affirmative action program are women, native Indians, the physically handicapped and older persons.

Nova Scotia - Affirmative Action Programs

Section 19 of the Human Rights Act authorizes the Commission to approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals; any approved program shall be deemed not to be a violation of the Act.

The Nova Scotia Human Rights Commission has provided a lead in the establishment of affirmative action programs with major employers in the private sector and also with the three levels of government, municipal, provincial and federal. Employers involved in such programs include Maritime Tel & Tel, Sobey's, Zeller's, Aerovox (Canada), Devco, Schwartz & Co., Innkeepers Guild of Nova Scotia, Metro Security.

Ontario - Affirmative Action

A growing part of the Ontario Human Rights Commission's conciliation and enforcement function is affirmative action which aims at finding broader solutions for the elimination of structural barriers to equality of opportunity. The Commission's newly created (1976) Community, Race and Ethnic Relations Section was active not only in resolving incidents of racial and ethnic conflict, but also in devising strategies and developing programmes designed to prevent the recurrence of the conflict and to reduce the underlying tension which provided its breeding ground. The Section concentrated on three main areas - the criminal justice system and its relations with minority groups, relations between learning institutions and

minority groups, and racial and ethnic intergroup relations.

The Women's Bureau in 1975 established an out-reach program intended to ensure that immigrant, native and low-income women particularly are aware of their rights under labour legislation. Bureau staff act in a resource and advisory capacity to community agencies serving these women directly. Workshops are held. Research is promoted. Brochures on basic rights are available in seven languages and distributed to ethnic-based organizations, information centres and through elementary schools in areas with a high immigrant population.

Prince Edward Island

The new Human Rights Act provides that:

"The Commission may approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals, and any approved program shall be deemed not to be a violation of the prohibitions of this Act." Section 19.

Quebec

In the James Bay area where a large hydro-electric power development project is being built, a final agreement was signed on November 11, 1975, which provides to the Cree and Inuit over 5,000 square miles for community use and exclusive rights of fishing, hunting and trapping over a territory of some 60,000 square miles. The agreement also provides among other benefits an amount of

\$225 million to be paid to them over a 20 year period in compensation for extinguishing their territorial rights in the area. The agreement was ratified by the Cree and Inuit under secret ballots within four months of the signature.

Saskatchewan

In 1975 Saskatchewan entered into a Saskatchewan Northlands Agreement on a cost-sharing basis with the federal government. Programmes run for an initial three-year period while planning is undertaken for a longer term agreement of at least five years.

Assistance to the 28,000 residents of the area, primarily of Cree and Chipewan ancestry include training and career development, improved communication services, more relevant education materials in schools, a dental programme for children to age 16, innovative corrections programmes, community health education and assistance in community planning and municipal services.

The province of Saskatchewan has established the Economic Development Program for Disadvantaged Persons to develop businesses and industries which provide employment opportunities for disadvantaged persons. Disadvantaged persons are defined as persons who through no choice of their own are unable to maintain regular employment and adequate earnings because of lack of marketable and/or life skills, or racial or cultural barriers, particularly as that applies to people of native origin; or social barriers,

such as chronic dependency, a criminal record, alcoholism, retardation, or physical and emotional handicaps. The program encourages and assists some of those people now being supported by government to become economically self-sufficient so that they may make a net positive contribution to society and secure a greater degree of social fulfillment. In pursuit of its objective, the program assists in the creation of permanent employment opportunities for disadvantaged persons in two ways; through involving those persons in the development and implementation of viable business enterprises and through promoting the employment of disadvantaged persons in established business and industry.

- (c) *The undertaking 'to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention', in accordance with article 7.*

All provincial human rights agencies have maintained and developed active educational activities during the period under review.

Alberta

In 1975 the Alberta Human Rights Commission produced a six-week radio series on human rights. A 60-second television advertisement was carried by most local television channels. A major media campaign entitled "Do You Have the Right?" was run throughout the province in 1976, to celebrate ten years of human rights legislation in Alberta. In 1975, many forums were held to discuss the status of women. A seminar series "Dignity and Human Rights in Alberta" directed towards adults was co-sponsored with the Continuing Education Division of the Calgary Board of Education. In 1976, a poster contest was run in elementary schools to further promote the theme of ten years of human rights in Alberta. The subject of the contest was "Everybody Should be Treated Fairly", and over 1800 entries were received. Some were displayed in shopping malls in the small towns of Alberta.

A Grade Ten curriculum unit has been developed by five Alberta school teachers working with the Alberta Human Rights Commission and is entitled "Human Rights: Respecting Our Differences". After being piloted and revised, this unit will be sent to every high school in Alberta.

Citizens' human rights councils were developed in two communities, Lethbridge and Fort McMurray, in order to involve communities with the work of the Commission.

A film on human rights was developed which was to be ready for public viewing by the latter part of 1977.

Staff from the Commission participated in numerous workshops, lectures, seminars and discussions at schools, institutions of higher learning and for employer-employee and native and other groups throughout the province.

British Columbia

The Human Rights Branch is involved in educational programs aimed at promoting the principles of the Human Rights Code. The Branch conducts workshops for schools, employers, unions and community groups; and provides resource persons to speak at seminars and conferences.¹

Occasionally, an educational program results from a formal complaint made to the Branch. For example, following a complaint from two Bangladesh students that they were harassed on a Vancouver bus, the Branch embarked on an effort to alert bus drivers to the potential hazards of racial incidents and produced a video tape for use in driver training. Currently, B.C. Hydro and the Branch are exploring other methods of preventing racial harassment on the buses.

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1. As an example from May 9 - 12, 1978, the Branch and the Federal Department of the Secretary of State, sponsored a Human Rights Conference for 300 high school students from around the province. Students had the opportunity of discussing human rights on the local, national and international level with speakers from various racial and ethnic groups. The Conference was considered as a great success and the organizers believe that it resulted in an increased respect and understanding on the part of the students for the racial and ethnic diversity of Canadians.

Similarly, the Branch received a number of complaints from individuals and organizations regarding the lack of racial minorities in advertising. It was argued that these groups were alienated from the community by the simple fact of never appearing in the public media in the role of "normal" or "typical" Canadians. As part of its educational mandate, the Branch met with major companies and advertising agencies to discuss this issue. The response has been positive and the discussions are ongoing.

Manitoba

In addition to speaking engagements and displays for schools and community groups, the Manitoba Human Rights Commission has produced a School Program Kit for junior and senior high school students on a variety of human rights issues. Also, a four-month pilot project was conducted in co-operation with the Winnipeg School Division No. 1, designed to facilitate the incorporation of human rights principles into the educational system. In-service training of educators to raise their awareness of bias and stereo-typing and the provision of supplementary materials were the main aspects of the project. Biases on the basis of race, sex and economic condition were the main focus. A handbook with a similar focus entitled Confronting the Stereotypes, was produced for teachers to assist them in dealing with bias at the primary levels.

In its efforts to increase public awareness to human rights, the Commission produced Guidelines on Employment Advertising, Pre-employment Inquiries, Employee Benefit Plans and Affirmative Action, as well as posters and other human rights publications.

Nova Scotia

Conference and speaking engagement activity of the Human Rights Commission increased appreciably during the period 1975 to 1976. During each of the years 1975 and 1976 eighteen high school conferences were held, and nine conferences have been held during the first half of 1977. Over the same period public education has involved Commission staff in more than 300 conferences, speaking engagements and activities over each year. During 1976, above 35,000 pieces of Commission literature circulated throughout the province. The Commission library was in frequent use for research work by students and use of books, magazines and the clipping files increased by over 100%. Reference questions handled during 1976 showed an increase of over 200%.

The Premier of Nova Scotia, in marking the 28th Anniversary of the Universal Declaration of Human Rights, proclaimed December 10, 1976 "Human Rights Day".

The Human Rights Commission has achieved considerable success in the field of education appertaining to children and youth. Cognisant of the resolution "to build an international community free from all forms of racial segregation and racial discrimination" the Commission addressed its attention to the younger generation and found great enthusiasm for all matters concerning human rights and ethical principles.

Cultural awareness training programs for teachers run in conjunction with school boards and affirmative

action committees have become regular features of the teaching year.

Flowing directly from the publication by the Commission of Textbook Analysis in 1974, a joint committee known as the "Human Rights and Education Committee" (with representatives from the Nova Scotia Department of Education, the Nova Scotia Human Rights Commission and the various ethnic organizations and women's groups) was established in 1976 with priorities in the areas of examination of school textbooks, monitoring their development, recommending curriculum material and the development of human rights material and programs. This activity has evolved a formal textbook evaluation program, involving minority group members.

In the spirit of the Premier's proclamation of December, 1973, "a Decade for Action to Combat Racism and Racial Discrimination" eleven community affirmative action committees have been developed in co-operation with the Commission. These committees provide co-ordination and stimulation where needed and become the focal point for total community action in eradicating prejudice and discrimination. They identify inequality and tension in their local community and are often instrumental in bringing to the attention of the Commission situations requiring investigation and action.

Ontario

In the field of dissemination of knowledge about human rights in Ontario, the Commission distributed, during

the period April, 1976 - March, 1977, 85,178 pieces of literature in three languages, in addition to the regular mailing of the Commission's periodicals. In that same year its community public education activities increased over the previous year; its 906 activities in this area included 233 speeches, seminars and conferences and 41 broadcasts and media interviews.

Prince Edward Island

Under the new Human Rights Act the Commission has the duty to:

"develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to race, religion, creed, colour, age, sex, marital status, or ethnic or national origin, or political belief as registered under Section 24 of the Election Act. R.S.P.E.I. 1974 Cap.E-1". Paragraph 18(b).

Quebec

The Charter of Human Rights and Freedoms directs the Commission (Commission des droits de la personne) to:

"establish a programme of information and education to promote an understanding and acceptance of the objects and provisions of this Charter;" Paragraph 67(b).

"direct and encourage research and publications relating to fundamental rights and freedoms;" Paragraph 67(c); and

"co-operate with any Quebec or outside organization dedicated to the promotion of human rights and freedoms". Paragraph 67(f).

Saskatchewan

The Saskatchewan Human Rights Commission is involved in education programs and activities aimed at promoting better understanding between groups and at combating racism.

In the field of teaching, the Commission has published a book on Prejudice in Social Studies texts. The Commission works on an Advisory Committee with the Department of Education, the Saskatchewan School Trustees Association and the Saskatchewan Teachers Federation and has conducted in-service training programs for teachers designed to combat racism and sexism in the schools. These programs, Teacher Awareness of Stereotyping in the Classroom (TASC), are an on-going project and will continue over the next few years.

Appendix

List of documents sent to the Secretary General along with this report

1. Policies of apartheid of the Government of South Africa.
Statement at the 31st Session of the United Nations General Assembly by the Honourable Robert Stanbury, P.C. M.P., Representative of Canada, November 1, 1976. Press Release No. 28 - Canadian Delegation to the United Nations.
2. Statement by the Canadian Delegate to the World Conference for Action Against Apartheid, the Honourable Robert Stanbury, P.C., M.P., Lagos, Nigeria, August 24, 1977. Communique No. 63 - Department of External Affairs.
3. Canadian Human Rights Act, s.c. 1976-77, c.33.
4. Abstracts from the Annual Report of the Department of the Secretary of State for the year ending March 31st, 1977.
5. Human Rights Act, Chapter 72, Laws of Prince Edward Island, 1975.
6. The Charter of Human Rights and Freedoms. Québec, 1975.
7. Human Rights Act, Statutes of Manitoba, Chapter H175.
8. Life Together: A Report on Human Rights in Ontario. Ontario Human Rights Commission.

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INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

FIFTH REPORT OF CANADA

July 1980



Secretary
of State

Secrétariat
d'État

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INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

FIFTH REPORT OF CANADA

August 1, 1977 - July 31, 1979

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FIRST PART. GENERAL INTRODUCTION

A. Presentation of the Report

The International Convention on the Elimination of All Forms of Racial Discrimination was adopted and opened for signature and ratification by the United Nations' General Assembly resolution 2106 A (xx) of December 21, 1965. It entered into force on January 4, 1969, that is 30 days after the date of the deposit with the Secretary-General of the 27th instrument of ratification or accession.

Canada signed the Convention on August 24, 1966 and ratified it on October 14, 1970. According to article 19, the Convention entered into force for Canada 30 days after the date of the deposit of its instrument of ratification.

In accordance with article 9 of the Convention, Canada submitted a first report one year after the entry into force of the Convention for Canada, and every two years thereafter. The present report is the fifth submitted by Canada on implementation of the provisions of the Convention in this country. It was prepared in response to note G/SO 237/2 (2) of the Secretary-General of the United Nations dated May 7, 1979 and on the basis of the "Communications, General Recommendations and Requests for Information adopted by the

Committee on the Elimination of Racial Discrimination" and contained in Document CERD/C/36 dated May 26, 1978.

B. Contents of the report

Previous reports accounted for measures adopted in Canada that give effect to the provisions of the Convention. As this information does not need to be repeated and as the legal and administrative situation remained substantially unchanged during the period under review, except in Saskatchewan where a new human rights code was adopted, it was felt that this report should concentrate on illustrating some typical aspects of Canadian activities. These include the approach followed to solve complaints of racial discrimination, programs aimed at the elimination of disadvantages suffered by some groups; and human rights educational activities. On this last point the report is taking into account "General Recommendation V adopted by the Committee at its 338th Meeting, on 13 April 1977" and aims at responding to its invitation to provide additional information on measures adopted to give effect to Article 7 of the Convention.

C. Remarks on the Canadian constitutional system

Within the Canadian confederation the powers of government are exercised by the federal, the provincial and, pursuant

to a delegation of powers by Parliament, the territorial governments. Unlike the provinces, which are allocated very specific areas of responsibility by the British North America Act, 1867, the territories are the creation of the Parliament of Canada, which has given them responsibilities similar to those of the provinces. Therefore, all governments have human rights responsibilities, each within its areas of jurisdiction, and the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination requires measures to be taken by all governments, federal, territorial and provincial. With regard to Article 7 of the Convention, it should be noted that, under the British North America Act, 1867, education is exclusively within the legislative authority of the provincial governments (section 93). The federal government, however, assumes responsibility for all Status Indians of school age who reside on reserves or Crown lands and for schools for children of Armed Forces personnel outside Canada.

D. Structure of the report

The report is divided into three parts. The first part contains a general introduction; the second part deals with measures adopted by the federal government and by the governments of the Northwest Territories and the Yukon Territory; the third part deals with measures adopted by

various provinces. Appendices contain a table on the distribution of persons granted Canadian citizenship during 1979, by country of former allegiance and sex; the list of documents sent to the Secretary General of the United Nations with this report, and the text of the International Convention on the Elimination of All Forms of Racial Discrimination.

E. Reports on the International Covenants on Human Rights

Canada acceded to the International Covenants on Human Rights in May 1974. Canada's Report on Implementation of the International Covenant on Civil and Political Rights was submitted to the Secretary-General of the United Nations in April 1979 and it was examined by the Human Rights Committee in March 1980. The report contains sections on federal and territorial law and a section on each of the 10 Canadian provinces. Published in Canada by the Department of the Secretary of State, it is distributed free of charge to interested individuals and groups. The report was also published by the United Nations under the code CCPR/C/1/Add. 43 (Vol. I and II).

At the time of completion of the present report, the reports of Canada under Articles 6-9 and 10-12 of the International Covenant on Economic, Social and Cultural Rights were being prepared.

F. Demographic composition of the Canadian population

By its General Recommendation IV, adopted on August 16, 1973, the Committee on the Elimination of Racial Discrimination invited States parties to the Convention to include in their reports relevant information on the demographic composition of the population. Such information, based on the 1971 Census, was provided to the Committee. New information on the ethnic composition of the Canadian population will be gathered on occasion of the next census to be carried out in 1981.

As an indication, however, of the increasing diversity of the Canadian population, the following facts could be noted. The 1979 statistics on Canadian citizenship released by the Citizenship Registration Branch of the Department of the Secretary of State show that, in 1979, Canadian citizenship was granted to 156,699 persons. These people were nationals of 150 different countries prior to becoming Canadian citizens. The table appearing as Appendix I to this report contains the list of these countries.

SECOND PART: FEDERAL GOVERNMENT

This part is divided into two sections. The first section deals with measures adopted by the federal government and the second deals with measures adopted by the Northwest Territories and by the Yukon Territory.

A. FEDERAL GOVERNMENT

The legislative and administrative situation within the federal government remains essentially the same as described in the fourth report presented by Canada on implementation of the Convention in which account was given, in particular, of the Canadian Human Rights Act, S.C. 1976-77, c. 33 adopted in 1977 and of the establishment of the Canadian Human Rights Commission.

The present report deals mainly with three series of activities: the enforcement of legislative provisions against discrimination through the Canadian Human Rights Commission and the Public Service Commission; special programs in favour of ethnic minorities administered principally by the Employment and Immigration Commission, the Department of Indian Affairs and Northern Development, the Treasury Board Secretariat, the Public Service Commission, and the Department of the Secretary of State; and activities of an educational character, carried on, in particular, by the Canadian Human Rights Commission and by the Canadian Broadcasting Corporation.

Information is presented following the "guidelines" adopted by the Committee on the Elimination of Racial Discrimination.

1. *Information on the legislative, judicial administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *Condemnation of racial segregation and apartheid, in accordance with article 3b;*

Successive Canadian governments have condemned apartheid in South Africa and the violation of fundamental human rights which the practice of apartheid entails. On December 19, 1977, after a comprehensive review of our relations with South Africa, the Secretary of State for External Affairs announced a series of measures which were designed to give concrete expression to Canada's abhorrence of apartheid. These measures included the withdrawal of Canadian Trade Commissioners from South Africa, the closure of the Consulate-General in Johannesburg, the withdrawal of the Export Development Corporation's government account facilities for Canadian exports to South Africa and the withdrawal of the Export Development Corporation's foreign investment insurance facilities for Canadian investments in South Africa.

A visa requirement for South Africans wishing to visit Canada came into effect on April 10, 1978 and, the following July, the government announced that athletes representing South Africa and officials representing South African sports associations would thereafter be denied visas for Canada.

On April 28, 1978, the government issued the "Code of

Conduct Concerning Employment Practices for Canadian Companies Operating in South Africa". Under the Code, Canadian firms are requested to make annual public reports regarding the employment practices of their South African affiliates as a means of assessing whether the treatment of their non-white employees conforms to acceptable standards.

In July 1979, Canada notified South Africa of its intention to terminate the Canada - South Africa Trade Agreement, which accords South African exports preferential tariff access to the Canadian market.

(c) *Assuring 'everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination', in accordance with article 6.*

ENFORCEMENT OF THE CANADIAN HUMAN RIGHTS ACT

The Canadian Human Rights Act, adopted in 1977, entered into force March 1st 1978. During the period under review the Canadian Human Rights Commission, which had been established in late 1977, recruited its personnel and opened five regional offices in addition to its head office in Ottawa. At the end of 1979 the Commission had over 100 employees.

Members of various minority groups are represented on the Commission and within its personnel.

Copies of the reports of the Commission for the years 1978 and 1979 are being forwarded to the Secretary-General, along with the present report.

The Canadian Human Rights Commission began receiving discrimination complaints in March 1978. At the end of September 1979, complaints based on racial discrimination in employment and the supplying of goods and services under federal jurisdiction were broken down as follows:

| | |
|--|-----|
| Number of complaints dealt with | 128 |
| Investigations discontinued due to lack of response by complainant | 3 |
| Complaints withdrawn by complainant | 5 |
| Ongoing investigations | 62 |
| Complaints rejected because not within the jurisdiction of the Commission | 2 |
| Complaints rejected for lack of evidence | 45 |
| Complaints settled after investigation | 3 |
| Complaints settled otherwise | 7 |
| Complaints about which agreement was reached after conciliation | - |
| Complaints referred to a Human Rights Tribunal | 1 |

Example of a case treated by the Canadian Human Rights Commission

The complainant alleges that he was forced to quit his temporary job one week before the end of his term because of racial harrassment by his foreman.

Contact person for the respondent reported that the complainant needed a great deal of supervision. The foreman denied the allegation of name-calling and said that he puts pressure on any employee who does not work well. There was no written evaluation report on file. It was also reported that on completion of 65 days employment with the company, the complainant, like all other employees, was given a take-home examination on technical rules. He never returned this examination. Company regulations are that employees must pass this examination before they are put on permanent staff. The supervisor who recruited the complainant said that he first checked with the foreman to see if he would mind having a black man work in his gang.

Investigation findings show that the company employs 685 persons in Halifax. Of this number there is only one black. Blacks constitute approximately 7% of the population of Halifax, the Canadian city where the complainant lives.

The allegation of racial harrassment could not be corroborated, but in recruiting the complainant, the respondent

treated him in a manner contrary to the Canadian Human Rights Act. The supervisor hesitated to recruit him because he is black. The gang in which the complainant worked was disbanded on December 29, 1978 - one week after the complainant resigned - and only three of the workers were retained. The complainant is illiterate and would not have been able to pass the examination. Moreover, to be rehired by the company he must be able to read and write. As a result of the Commission's intervention, the complainant is now being tutored by a representative of a local literacy organization.

Considering all the evidence, the respondent has agreed to pay the complainant \$288.55, representing the week's wages which he lost by quitting prematurely. The company has also agreed to send notices of job vacancies to the Black United Front of Nova Scotia, as a special effort to address the racial imbalance in its labour force.

RESPONSIBILITIES OF THE PUBLIC SERVICE COMMISSION IN THE APPLICATION OF THE ANTI-DISCRIMINATION LEGISLATION

As of March 1, 1978, with the passage of the Canadian Human Rights Act that binds the federal Public Service to its provisions, the Canadian Human Rights Commission and the Public Service Commission developed a modus operandi under which the Anti-Discrimination Directorate of the Appeals and Investigations Branch of the Public Service Commission would

continue to investigate allegations of discrimination in or against federal departments subject to the Public Service Employment Act. This procedure entails cooperation with the Canadian Human Rights Commission.

The Anti-Discrimination Directorate received 53 complaints of discrimination based on race, colour or national origin in 1978 and 41 in 1979.

Investigations show that ignorance or lack of awareness rather than deliberate actions is often the cause of complaints relating to the denial of employee rights or the differential application of regulations.

The following case summaries illustrate complaints received and dealt with during 1978:

An employee alleged discrimination on grounds of national origin, having been denied a position for which he was qualified because he was unable to obtain security clearance. The employee had been living in Canada since a very early age, but had not been granted security clearance because he had relatives still living in his country of origin. The investigation revealed that the security clearance classification for the position in question was unrealistic. As a result, the department reviewed the security designation of all its positions, to the advantage of the complainant.

A complaint of discrimination on grounds of national origin and disability was received from an employee who had been declared to have abandoned his position. The investigation established that the complainant had been absent from duty for medical reasons and that he had notified the department of his absence, although the department apparently had not received this information until after the decision had been taken to declare him to have abandoned his position. The investigation could not support the complaint of discrimination on the evidence presented, but did establish that the complainant had been the victim of unfair treatment in the decision to terminate his employment. The complainant was reinstated with appropriate compensation.

3. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *The undertaking 'to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists', in accordance with article 2.1(c);*

As mentioned in the preceding report, the Canadian Human Rights Commission may comment on instruments made pursuant to a federal statute, in the event that it finds them incompatible with the principles set forth in the Canadian Human Rights Act.

ENFORCEMENT OF THE CANADIAN HUMAN RIGHTS ACT IN THE FIELD OF
IMMIGRATION

The Canadian Human Rights Commission had received several complaints regarding certain discriminatory practices based on race, colour or national or ethnic origin in the field of immigration. The Canada Employment and Immigration Commission initially disputed the right of the Canadian Human Rights Commission to investigate immigration cases, arguing that immigration is not a service to the Canadian public within the meaning of the Canadian Human Rights Act. An agreement was subsequently concluded between the two bodies, giving the Canadian Human Rights Commission the power to investigate and examine employment and immigration practices and policies, as established by the Canada Employment and Immigration Commission, after guidelines on procedural methods had been jointly determined. This agreement accordingly enables the Canadian Human Rights Commission to ensure that employment and immigration policies and practices are in accordance with the spirit and the letter of the Canadian Human Rights Act, in particular with regard to racial discrimination.

CANADIAN BROADCASTING CORPORATION

In its news and public affairs programming, the Canadian Broadcasting Corporation - the national broadcasting service

created by an Act of Parliament - promotes discussion and debate on issues of public concern. Chief among these are such questions as understanding between groups as well as prejudice and racial discrimination. In this connection, the CBC, by free and unfettered reporting of manifestations of racial discrimination and by comprehensive coverage of the activities and decisions of the Canadian Human Rights Commission, its provincial counterparts, and other groups combating prejudice and opposing racial discrimination, contributes to a heightened awareness of the problem and thus helps to make it possible for corrective action to be taken at many levels.

- (d) *The undertaking to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof, in accordance with article 4 (a);*

The provision of the Canadian Human Rights Act prohibiting the use of the telephone to communicate messages inciting discrimination on grounds prohibited by the Act (race, among other things) was put to the test in disposing of a complaint regarding a telephone service which produced on request a message inciting the listener to hatred of persons of Jewish origin.

The human rights tribunal appointed by the Canadian Human Rights Commission to hear complaints against the Western Guard Party and John Ross Taylor has ordered that prerecorded "White Power" telephone messages be stopped.

The Tribunal's decision was released on August 22, 1979*. Hearings had been held in Toronto in June. The complainants were: the Canadian Holocaust Remembrance Association, David S. Smith, the Toronto Zionist Council, Ajalon Lodge, and the Canadian Human Rights Commission.

The complaints were taken under section 13 of the Canadian Human Rights Act (the hate messages section) which forbids the repeated communication by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament of any matter that is likely to expose persons to hatred or contempt because of their religion or race (or any of the grounds of discrimination prohibited by the Act).

*In February 1980 the Western Guard Party and John Ross Taylor were found guilty of contempt of court by the Trial Division of the Federal Court, because the prerecorded telephone messages had not been stopped. They were then sentenced to a fine of 5,000 dollars and one year in prison respectively. The sentence was suspended, however, and was to take effect only if they further disobeyed the order of the Tribunal. The court later lifted the suspension of the sentence because the respondents had further disobeyed the order of the Tribunal. The execution of the sentence was stayed, however, because the respondents had appealed the judgement of contempt of court rendered against them by the court. At the moment of completing this report, in July 1980, the appeal was pending before the Appeal Division of the Federal Court.

The tribunal noted the limits on free speech previously imposed by Parliament in the Criminal Code, the Post Office Act and the Regulations made under the Broadcasting Act. It also noted that the law of defamation has never permitted people to say what they want irrespective of consequences.

It concluded its summary of the limitations placed upon freedom of speech with the words "...it is Canadian policy that individuals under the guise of freedom of speech and freedom of action cannot say things or take steps to incite or advocate the destruction of freedoms which all of us enjoy." The tribunal commented further: "Diatribes like the ones before us eventually gave rise to the most extreme form of hatred and contempt for Jews in Germany in the 1930's and 1940's. We need no other crucible for us to be satisfied that the themes of the respondent's telephone utterances, which bear a marked resemblance to the propaganda of Goebbels and Hitler, are likely to expose Jews to hatred and contempt."

4. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- a) *The undertaking "to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division", in accordance with article 2.1(3);*

As mentioned in previous reports, various departments and agencies encourage integrationist multiracial organizations and movements and other means of eliminating barriers between races.

CONTRIBUTION OF THE DEPARTMENT OF THE SECRETARY OF STATE

The Department of the Secretary of State continues to play a major role in support of voluntary organizations of different racial and ethnic backgrounds. The Citizenship and Official Languages Sector of the department comprises a number of programs designed to promote better understanding between groups (as per guideline 4 a) above), to ensure the adequate development of certain racial and ethnic groups for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms (as per guideline 4 b) below) and to provide information to these groups and to the public in general with a view to combating prejudice and discrimination and to promote understanding and friendship as well as an awareness of the human rights principles proclaimed by the United Nations (as per guideline 4 e) below).

The main activities of the department in this regard are carried on by the Human Rights Division, the Multiculturalism Directorate, the Native Citizens Directorate and the Official Language Minority Groups Directorate. A brief

account of these activities is given below. For more details, reference could be made to the 1979 Annual Report of the Department of the Secretary of State, copies of which are being sent to the Secretary-General along with this report.

Human Rights Activities

The Human Rights Division continues to carry on information activities principally by distributing to the voluntary sector and the general public, publications on the United Nations human rights activities, reports of activities carried on in Canada, reports of studies undertaken by researchers and various documents on human rights issues.

The Division continues to provide grants to non-governmental organizations for various human rights projects including projects for the study and elimination of prejudice and discrimination.

Multiculturalism Programs

The Multiculturalism Policy was reaffirmed by the new government which came into office during 1979 and the overall objective continued to be:

"to encourage and assist, within the framework of Canada's official languages policy and in the spirit of

existing human rights codes, the full realization of the multicultural nature of Canadian society through programs which promote the preservation and sharing of ethno-cultural heritages and which facilitate mutual appreciation and understanding among all Canadians."

Existing programs continued to provide support to ethno-cultural communities for the preservation of their cultural heritage. A new emphasis introduced during the period was the implementation of the Multiculturalism Policy and Program as tools for social change, with the ultimate goal of providing equality of access and opportunity to all Canadians.

Support to Native Peoples

The Native Citizens Directorate continues to be a major source of funding for numerous activities of native groups and organizations. During the fiscal year 1978-79, 32 provincial and territorial and three national Native Peoples' organizations received financial and technical resources to help them formulate policies and programs to further their development. Funding was provided to help them defray operational costs, salaries, office and administrative expenses, meeting and conference expenses, professional services and staff training.

During the same period, funding was also provided to 15 Native association newspapers, 67 Friendship Centres, 11

communications societies and various Native women's groups as well as for various community and cultural development activities.

Support to Official Languages Minority Groups

Under the federal government's policy on the official languages, the Official Language Minority Groups Directorate is responsible for promoting and facilitating the efforts of the official language minorities to survive and develop, fostering solidarity among them and promoting cooperative relations with the other official language group. The objectives of the Directorate are:

- 1) to promote and facilitate the efforts of the official language minority groups to use their language in order to participate fully in Canadian life in those regions where they are in the minority, and to ensure that they develop as a community;
 - 2) to increase the access of members of official language minority communities, as a community, to the cultural wealth of their heritage and to stimulate the creativity and forms of expression which are uniquely theirs;
 - 3) to stimulate cooperation and dialogue between the official language minority and majority and make the majority group aware of the linguistic, cultural and socio-economic aspirations of the minority group.
- b) *The undertaking to take, "when circumstances so warrant", "in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms", in accordance with article 2.2;*

As mentioned in the previous report, the Canadian Human Rights Act enables special measures to be taken to remedy disadvantages suffered by a group based on grounds cited in the Act (Section 15). As pointed out by some departments, the human rights legislation tends not only to permit them to fulfill their role by serving these wider social and economic priorities but also to implement such policies in their own operations.

Furthermore, s 19 of the said Act enables the government to include anti-discriminatory clauses in contracts, grants or licences made or granted by the federal government. With regard to this provision, the Canadian Human Rights Commission is attempting to develop mechanisms to ensure its application and it has elaborated proposals for submission to the federal government.

In this section of the report, account is given of the Affirmative Action Program and the Native Employment Program of the Employment and Immigration Commission, the policy for the increased participation of Indian, Metis, non-status Indian and Inuit people in the Public Service of Canada, the Black Employment Program of the Public Service Commission, activities of the Department of Indian Affairs and Northern Development and the Native Courtworker Program of the Department of Justice.

AFFIRMATIVE ACTION PROGRAM OF THE EMPLOYMENT AND IMMIGRATION
COMMISSION

An amendment to Section 139 (2) (b), of the Unemployment Insurance Act, 1971, S.C. 1970-71-72, c 48, proclaimed on April 12, 1978, ensures that there will be no discrimination (as defined by the Canadian Human Rights Act) in referring a worker seeking employment and enables special programs "designed to prevent ... eliminate or reduce disadvantages that are suffered by any group of individuals ... based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap ... by improving opportunities respecting employment" (s.c. 1977-78, c 22, section 24).

In 1978, the Affirmative Action Division was set up to administer the Employment and Immigration's Affirmative Action Strategy by establishing the capability of delivering assistance to the private sector and Crown corporations in the adoption of affirmative action plans. Consultants promote and publicize the concepts and provide consultative services for the development of affirmative action plans which are designed to remove systemic causes of employment discrimination against women, Natives and the disabled and to institute comprehensive measures to improve client group employment. In addition, the Federal Contracts Program is designed to encourage Crown corporations and companies

receiving federal contracts in the development of affirmative action plans for women.

As well as four policy staff at headquarters, by October 1979, there were 12 regional staff located across Canada offering consultative services to companies and unions.

NATIVE EMPLOYMENT

As mentioned in the previous report a Native Employment Division was established within the Employment and Immigration Commission to facilitate the channelling of employment-related programs and services to all Native peoples i.e., Status Indians, Métis and Non-Status Indians and Inuit, and to monitor the effectiveness of these programs and services in the alleviation of the high rate of unemployment (estimated at 75%) among Native peoples. The Division is complemented in the regions by Native Employment Coordinators charged with a similar function. As a further step to ensuring effective delivery of Canada Employment Centres programs and services, 95 Native Employment Counsellor/Specialist positions have been established in the centres which are known to service a significant Native population. This mechanism has proved effective in that Native clients now have an opportunity of being serviced by an individual who has demonstrated a good knowledge of the cultural and socio-economic characteristics of the local Native community.

The objective of the Native Employment Policy of the Canada Employment and Immigration Commission is to achieve the full realization of the productive potential of Canada's Native population while supporting the initiative of Native individuals and communities in the pursuit of their economic needs and their self-fulfillment through work. The Commission continues to give a high priority to Native employment in the administration of its programs and the allocation of its funds. Specific programs for which Native people are the main beneficiaries will be maintained. Examples of such programs are: the Training Opportunities for Natives initiative, an allocation of \$10 million to provide for additional training of men and women of Native ancestry to assist them to take advantage of employment opportunities in urban areas and those generated by large development projects; and the Local Employment Assistance Program, an allocation of \$32.6 million to assist Natives to develop business enterprises which will create employment opportunities in their communities.

INCREASED PARTICIPATION OF INDIAN, METIS, NON-STATUS INDIAN
AND INUIT PEOPLE IN THE PUBLIC SERVICE OF CANADA

The federal government actively supports the principle of equal access to employment, training, development and career progression for all Canadians.

The government has acknowledged that there is a critical lack of participation and representation of Indian, Metis, Non-Status Indian and Inuit people in the Public Service. While these groups represent approximately 4% of the Canadian population they form only 1% of the Public Service.

The government recognizes also that the effectiveness of all Public Service activities is increased as it recognizes and makes use of the variety of cultural values and perceptions that exist in the Canadian population and that policies and programs aimed specifically at the indigenous population, should reflect in their design, development and implementation, the cultural, economic and geographic reality of Canada's indigenous people.

Consequently a new policy aimed at increasing participation of Indian, Metis, Non-Status Indian and Inuit people in the Public Service of Canada was announced in November 1978. Jointly developed by the Treasury Board Secretariat, the Public Service Commission, the Deputy Heads or Assistant Deputy Heads of several government departments, and the Presidents and senior representatives of the National Indian Brotherhood, the Native Council of Canada and the Inuit Tapirisat of Canada, the new policy was incorporated in the Personnel Management Manual under subchapter 115-21.

The objectives of this policy are to ensure that:

- (1) Indian, Metis, Non-Status Indian and Inuit people participate fully in the Public Service with particular emphasis on middle and senior management and advisory roles;
- (2) the Public Service is sensitive and responsive to the training and developmental needs of indigenous employees;
- (3) indigenous people are effectively involved in the conception, design, development and implementation of socio-economic and cultural programs where Indian, Metis, Non-Status Indian and Inuit people comprise a significant portion of the client population.

In order to give effect to this government's policy, federal departments and agencies are required to:

- (1) review their existing practices governing the design of jobs, recruitment and selection, training and career development of employees, in order to identify and systematically eliminate any such practices which discriminate against and/or present barriers to indigenous persons who are public servants or are candidates for positions in the Public Service;

- (2) develop annually specific action plans to meet the objectives of the policy and report annually to the Treasury Board on the results of these, with particular respect to increases in the number of indigenous persons employed, by occupational group and level;
- (3) develop and implement information and training programs, including cultural awareness training, directed to all employees in order to facilitate the foregoing; and
- (4) develop and maintain internal control systems provided through the normal internal audit function of departments and agencies, to ensure that managers, and personnel and financial administrators at all levels, understand their specific responsibilities with respect to the above and are held accountable for efforts expended and the results obtained.

Moreover, departments and agencies with a responsibility for program delivery to Indian, Metis, Non-Status Indian and Inuit people, or who operate in geographic areas where a significant portion of the population is comprised of indigenous people, must review positions to identify those wherein the duties include one or more of the following:

- active participation in policy or decision-making processes which particularly affect indigenous people;
- conception, design, development, implementation and/or evaluation of programs basically directed to indigenous people; and
- contact with indigenous persons;

in order to ensure that these positions truly reflect client needs.

Federal departments and agencies were asked to nominate an officer responsible for the implementation of this policy and for liaison with the Treasury Board Secretariat and the Public Service Commission.

Action plans are to be submitted annually to the Treasury Board Secretariat which is to examine them jointly with the Public Service Commission and the national associations of indigenous peoples.

Federal departments indicated their support for the above described policy mentioning that they had taken steps for its implementation within their own operations. The Department of Public Works, for example, pointed out that both its

short and long range planning reflect an affirmative response to this policy and to the human rights legislation manifested in a five year annual plan for Native employment.

The effectiveness of this policy and of its implementation must be evaluated periodically. The evaluation will be conducted jointly by the Treasury Board Secretariat, the Public Service Commission and senior representatives of the national associations of indigenous peoples, in consultation with senior departmental personnel.

BLACK EMPLOYMENT PROGRAM

The Black Employment Program in the Atlantic region keeps the black communities of Nova Scotia informed of existing or anticipated vacancies and job opportunities in the Public Service. In 1978, 55 black candidates were appointed to the Public Service; two in the Scientific and Professional Category, one in the Administrative and Foreign Service Category, eight in the Administrative Support Category and 44 in the Operational Category. Since the introduction of the Black Employment Program by the Public Service Commission in 1973, 228 black candidates have entered the Federal Public Service. Federal departments and agencies which operate in the area are involved in this program.

Number of black persons appointed to the Public Service in the Halifax-Dartmouth area, by category, 1974 to 1978

| Occupational category | 1974 | 1975 | 1976 | 1977 | 1978 | Total |
|------------------------------------|------|------|------|------|------|-------|
| Senior Executive | 0 | 0 | 0 | 0 | 0 | 0 |
| Scientific and Professional | 0 | 0 | 0 | 0 | 2 | 2 |
| Administrative and Foreign Service | 3 | 7 | 4 | 4 | 1 | 19 |
| Technical | 2 | 1 | 0 | 0 | 0 | 3 |
| Administrative Support | 3 | 10 | 8 | 12 | 8 | 41 |
| Operational | 4 | 37 | 38 | 40 | 44 | 163 |
| Total | 12 | 55 | 50 | 56 | 55 | 228 |

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

There are approximately 310,000 registered Indians and about 22,000 Inuit in Canada. While the majority of registered Indians live on lands reserved for their exclusive use and benefit as stipulated by both treaties and legislation, they enjoy the same right of free movement as other Canadians. In fact, almost one-third of all registered Indians currently live off-reserve, in other Canadian communities.

The federal government's relationship with registered Indians is based on the concept of Indian identity within Canadian society rather than a separation from Canadian society or an assimilation into it. Some degree of Indian status will continue as long as it is perceived as needed

both by the government and by the people recognized as "Indian" under Canadian law.

To this end, it is envisaged that there would continue to be recognition for Indian status, treaty rights and special privileges resulting from land claims settlement.

As mentioned in the previous report the federal Department of Indian Affairs and Northern Development is placing particular emphasis on activities related to local self-government and decision-making for Indian and Inuit peoples. The objective of this thrust is to enable Indian and Inuit communities to assume further control of their own local affairs. Assistance is provided to expand the teaching and use of Native languages in schools of the two territories in northern Canada and on Indian reserves. Control of Indian education is increasingly exercised by Indian communities in order to preserve and develop their cultural identity.

Many Indian communities differ markedly from the rest of Canadian society insofar as economic potential and social conditions are concerned, and this state of affairs seems likely to continue for a while. Therefore, programs and services, based on the disadvantaged situation of many Indian communities and individuals, will continue to be provided. In addition, bands and reserves are to be given the

widest opportunity for local self-determination and control of their own affairs.

Between 1970 and 1979 the federal government, through the Department of Indian Affairs and Northern Development, provided \$29.4 million to enable Indian and Inuit groups to research, develop and negotiate different types of Native land claims deriving from unfulfilled treaty obligations, past administration of the Indian Act, or historic use and occupancy of land. Land claims of a comprehensive nature are under consideration in the Yukon and Northwest Territories, British Columbia and Quebec.

As mentioned in the previous report both the Indian people and the federal government recognize that the present Indian Act should be updated to accord with the current needs and aspirations of the Indian people. Consultations are continuing with the representatives of the Indian people with a view to achieve a consensus on required changes. Among the priority targets of the revision process are sections of the Indian Act which have an adverse effect on the status and rights of certain Indian women.

Regardless of the eventual changes to the Indian Act, the Indian people will continue to possess Indian status and certain privileges, and will continue to be the subject of a special relationship with the federal government.

NATIVE COURTWORKER PROGRAM

The Department of Justice continued to sponsor, under federal-provincial and territorial cost-sharing agreements, an ongoing Native Courtworker Program to further improve the delivery of justice services for Native people. The program is operated for and by the Native people in each province and territory. Additionally, a prevention thrust has been added to the program to provide Native people with funds to develop legal educational material.

(c) *The undertaking 'to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention', in accordance with article 7.*

EDUCATIONAL ACTIVITIES OF THE CANADIAN HUMAN RIGHTS COMMISSION

Section 22(1)(a) of the Canadian Human Rights Act states that the Canadian Human Rights Commission:

"shall develop and conduct information programs to foster public understanding of this Act and of the role and activities of the Commission thereunder

and to foster public recognition of the principles described in section 2."

In accordance with the Act and because of the importance of the educational process in changing attitudes, the Canadian Human Rights Commission has given the area of information and education equal priority with that of complaints and conciliation. The Commission is accordingly concerned, first, with the matter of "prevention" regarding human rights. While the Commission has the function of settling complaints so that justice is done to the complainants, it also has the function of communicating to the Canadian public the principles underlying the provisions of the Act. The Commission therefore produces educational tools regarding subjects such as prejudice, systemic discrimination, the employment of handicapped people and brochures such as wage parity and the guide on recruitment and selection interviews.

Its staff also work closely with charitable organizations, employers and unions to promote the principle of equality of opportunity for an individual to make for himself or herself the life that he or she is able and wishes to have, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, marital status or conviction for an offence for which a pardon has been granted, or by discriminatory employment practices based on physical handicap.

National and regional conferences are held on these subjects, as well as meetings with groups of employers and employees in various sectors of federal jurisdiction. Such a conference was held in December 1978, and the Commission undertook to forward its recommendations to the government.

The Commission provides to participants in those meetings and to the public at large various publications and audio-visual material. For example, it publishes a bulletin which appears six times a year and analyses complaints received and the solutions found for them. With assistance from the National Film Board, the Commission has prepared three film clips for use on television. The 30-second clips are about children. The first shows a Lillooet (Amerindian) boy on his reserve who asks for respect for the land, the second shows a Sikh boy who states his pride in his traditions and the third shows a black girl who wants to be a doctor and asks if she has an equal chance. Both the English and French networks of the Canadian Broadcasting Corporation have approved the clips for showing and copies were sent to all television stations in the country asking them to show the clips as public service announcements when time is available. Finally it could be mentioned that the Commission publishes some of its material in many languages in addition to English and French.

CONTRIBUTION OF THE CANADIAN BROADCASTING CORPORATION

The Parliament of Canada through the Broadcasting Act directs the Canadian Broadcasting Corporation to provide a national broadcasting service made up of programs that inform, enlighten and entertain. In fulfilling this directive the CBC produces and broadcasts nation-wide or locally, in English and French, radio and television programs that deal, in whole or in part, with many aspects of human rights including prejudice and racial discrimination, and have the effect of promoting understanding and tolerance among racial or ethnic groups. In their routine coverage of the events of the day the CBC's news bulletins report extensively on matters concerning human rights and all forms of racial discrimination, including issues that come before the Canadian and provincial human rights commissions.

As the national broadcasting service of a nation that is composed of many racial and religious groups, the CBC is sensitive to its responsibility to contribute to a climate of opinion that renders racial discrimination unacceptable. The CBC believes that this can best be achieved by providing a forum for the full and frank discussion of discrimination where it may exist and of the ongoing need to combat it in all phases of the national life.

During the period covered by the present report, both

English and French television networks showed THE NEWCOMERS/LES ARRIVANTS, a perceptive story of the different ethnic groups that inhabited Canada and their contribution to the country. CE COIN DE TERRE, a 20-part series on Western Canada's ethnic cultures, was broadcast on both of the television networks. MAN ALIVE on English television touched on prejudice in Canada, while French television featured an eight-part film series on the Indians of Northern Quebec, CARCAJOU OU LE PÉRIL BLANC.

The English television program OMBUDSMAN, now in its sixth season, which reaches an audience of more than one million people each week, is a "court of appeal" for those who believe they have been ill-treated by bureaucracy including those who may feel that their human rights have been violated. The program receives thousands of letters each year and follows up on all of them. Some of the correspondents are filmed and their cases presented on the air.

On the 30th anniversary of the Universal Declaration of Human Rights, CBC English television produced a one-hour program entitled MUST FREEDOM FAIL? which brought together an international group of figures to review the state of human rights around the world.

ANGLES OF PREJUDICE, five one-hour program broadcast in the radio series IDEAS in January 1979, answered questions such

as: How does prejudice grow in individuals? How is it manifested? Each program reviewed an historical instance of prejudice, then moved behind the headline to examine the social forces at work. French radio presented the series ILS SONT DES NOTRES featuring immigrants who talk about themselves and tell listeners about their lives in the new country.

The individual productions just listed are network programs heard or viewed by Canadians in all provinces. Showing what Canadians are, reflecting their diverse experiences and exploring their cultural differences contributes to the development of mutual understanding and helps curb socio-cultural prejudices and racial discrimination.

It is, however, through its local and regional programming that the CBC has most effectively given expression to issues concerning human rights. Racial problems and prejudices manifest themselves first between neighbours and must be dealt with at the level of the community. Local programs provide a forum for the frustrations and difficulties that members of ethnic groups may encounter. By talking openly about the situation they may generate feelings of tolerance, then of understanding, which in turn lead to an unreserved acceptance by each of the other. The road to a society free of prejudice and tolerant of other people's feelings and

aspirations may be long and arduous but it starts at one's doorstep.

ADDITIONAL COMMENTS

In this part dealing with the federal government, mention was made of the principal measures adopted during the period under consideration. The activities of a limited number of departments and agencies were discussed. It should be noted, however, that all government departments and agencies participate to a greater or lesser extent in government programs and policies designed to promote the equality of all people under Canadian jurisdiction and to eliminate discrimination and its effects. This is the case, for example, with the programs adopted following the publication of the report of the Royal Commission on Bilingualism and Biculturalism during the 1960's.

In its report the Commission had pointed out the disadvantages suffered by French-speaking Canadians and the imbalance between the two principal founding groups of the country and had made a number of recommendations for rectifying the situation. The Commission had also pointed out the disadvantages suffered by groups other than British or French origin and had made recommendations on the subject; these gave rise to the multiculturalism policy mentioned earlier.

The federal government adopted several legislative and administrative measures to correct the imbalances pointed out by the Royal Commission.

The Official Languages Act, R.S.C. 1970, c 0-2, enacted in 1969, provides that the English and French languages are the official languages of Canada for all purposes of the Parliament and Government of Canada and recognizes that the two official language communities have the right to communicate and obtain service from federal institutions in the language of their choice, English or French. The Act establishes the office of Commissioner of Official Languages, who acts as linguistic ombudsman and auditor, who can, with the support of extensive powers of investigation, investigate complaints made to him and conduct his own investigations on the application of the Act. The Commissioner is appointed by Parliament and submits his annual report directly to this institution.

The other measures adopted by the federal government in this area include second-language teaching programs for public servants so that the federal Public Service will be better able to provide its services in both official languages of the country, programs aimed at increasing Francophone representation in the federal Public Service, bonuses for public servants occupying positions requiring them to be bilingual, contributions to the provinces for teaching the

minority official language and for second-language learning, assistance to the private sector so that it can offer services in both official languages, exchange programs for young people of the two language groups, the programs for assisting official language minority groups mentioned earlier, and contributions to institutions and associations for the dissemination and compilation of information on second official language teaching and learning and official language minority education.

B. MEASURES ADOPTED BY THE NORTHWEST TERRITORIES AND BY THE YUKON TERRITORY

1. THE NORTHWEST TERRITORIES

In the fall of 1979, staff of the Canadian Human Rights Commission visited the Territories and had discussions with government staff, Native groups, and other interested parties. The Territorial Government officer responsible for the Fair Practices Ordinance, R.O.N.T. 1974, c F-2, was designated as the contact for the Commission in that jurisdiction and persons requiring information or wishing to lay a complaint may do so through his office in Yellowknife.

Education

Linguistic Program - the purpose of this program is to pro-

vide curricula, teaching and learning materials for Native language programs. Native language instruction in the schools is fostered through seminars and workshops.

Local Government

The Department of Local Government places emphasis on increased participation and responsibility of Native people within the institution of government in the Northwest Territories, and increased employment of Native people through controlled economic development and by providing training. Training activities are directed at giving local people the skills to manage and direct their own affairs.

Hire North Program

The Hire North Program is funded by the Department of Indian Affairs and Northern Development as a part of the federal government highway construction program and administered by the Government of the Northwest Territories. It involves Native peoples in the management and operation of major construction projects, while providing training and business opportunities.

The Hire North Committee was reorganized in 1978 to provide for greater involvement of the Dene and the Metis people in the management of the Hire North Program.

Personnel

The Office of Native Employment concentrates on introducing Native people to opportunities for employment, promotion, education or training in the Territorial public service.

Legal Services

Legal aid for native people is offered through the Native Courtworkers' Association and Maliiganik Tukisiiniakvik (Legal Services Centre). The Courtworkers' Association provides a wide range of services including assisting Native persons appearing before the criminal courts, or where they come into conflict with the law, helping Native people in institutions, providing parole, alcohol and drug rehabilitation and other social-based services. This service provides for counselling-related services in the Mackenzie Valley and Great Slave Lake area.

Maliiganik Tukisiiniakvik provides free legal services to those financially unable to afford same and provides public legal education to Inuit.

2. THE YUKON TERRITORY

Since the fall of 1979 the Government of Yukon has been conducting a review of the Fair Practices Ordinance,

C.O.Y.T. 1976, c F-2. Provisions in that Ordinance prohibit discrimination based on race, religion, religious creed, colour, ancestry, sex, marital status or ethnic or national origin in employment, accommodation, and public services.

Under the current Ordinance however, the Government of the Yukon does not now have authority to:

- conduct "special measures" or affirmative action programs
- establish a Human Rights Commission
- bind the Crown
- undertake any education programs or public relations
- initiate investigation.

The Government of the Yukon indicated its hope that in 1980 it would be able to report on a new Human Rights Ordinance and Human Rights Commission in the Yukon Territory.

THIRD PART: PROVINCES

A. GENERAL REMARKS

Previous reports accounted for measures adopted by the provinces and that give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

In summary, it can be recalled that all provinces have adopted legislation against discrimination generally called human rights "code" or "act" and have established human rights commissions to ensure their implementation. In this regard the situation generally remained unchanged during the period under review, except in Saskatchewan where a human rights code was adopted, replacing the legislation adopted before.

Provincial human rights commissions deal mainly with three areas of activities: the study and settlement of complaints of discrimination, special programmes in favour of disadvantaged groups and educational activities. These activities continued during the period under review.

Noticeable during this period was the increase of cases submitted to formal boards of inquiry in various provinces, inquiries which resulted in favourable decisions for many complainants.

In another development, in a decision described by civil rights lawyers as unprecedented, a court of appeal has ruled that a person can sue for damages resulting from racial discrimination. In its decision rendered in December 1979 the Ontario Appeal Court stated that discrimination based on race, creed, colour, sex, marital status, nationality, ancestry or place of origin was contrary to public policy in

Ontario and that any person who was the victim of such discrimination had a right to a remedy under the common law. The case involved an East Indian woman who said she was not hired as a teacher by Seneca College in Toronto because of her race. The decision says nothing about the actual value of her complaints, but allows her to continue her suit against the college as well as to file a complaint for violation of the Ontario Human Rights Code. The lawyer who represented the complainant at the appeal said the statements contained in the decision about necessity of protecting human rights are unprecedented in British law. Another lawyer, general counsel to the Canadian Civil Liberties Association, called the ruling "a creative and progressive application of the best public policy principles in the development of the common law". This decision of the Ontario Appeal Court was appealed to the Supreme Court of Canada.

It can be mentioned also that provincial human rights commissions are playing an increasing role in the implementation of government policies in the area of human rights more particularly with regard to international treaties to which Canada is a party.

Through their representative on the continuing Federal-Provincial Committee of Officials Responsible for Human Rights, the provinces were invited to provide contributions for this

report or to provide information which would help prepare it. Some provinces indicated that the situation described in previous reports remained unchanged. The Provinces of Alberta, British Columbia, Nova Scotia, Quebec and Saskatchewan have submitted contributions which are reproduced below.

B. CONTRIBUTIONS OF PROVINCES

ALBERTA*

MEASURES ADOPTED IN THE FIELDS OF TEACHING, EDUCATION, CULTURE AND INFORMATION.

Alberta Education has adopted the following measures:

1. Introduction of a new Social Studies Curriculum which gives major attention to concepts such as: Human Needs, Perspective, Global View, Egocentrism, Ethnocentrism, Stereotyping, Self-Esteem, Culture, Discrimination, and Social Stratification. The new curriculum also focuses on many issues relating to human rights and discrimination. In addition, a learning package was commissioned dealing with the plight of refugees, and touching directly upon the discrimination they (may) have to face.

* Report prepared by the Government of Alberta.

2. Renewal of annual contract with the Alberta Native Communications Society for the production of fifty-two fifteen minute radio programs. These programs are designed to explain and illustrate native culture and history to elementary school pupils, to promote an appreciation and understanding of the native culture and history to elementary school pupils and to promote an appreciation and understanding of the native culture and its contribution to Canadian life.

3. Addressing Multi-Culturalism in various Alberta Heritage Learning Resources Project materials such as: Books for Young Readers (Grades 4-6); Western Canadian Literature for Youth (Grades 7-12); Alberta Literature for Senior Students and Adults (Grades 10-12 and adults); and Kanata Kits, where various ethnic groups are represented and emphasized. The intent of the entire Heritage Project is to show how ethnic groups contribute to the Canadian identity, that is, how we are the same rather than different.

Alberta Culture has sponsored these measures:

1. Representatives from over 50 different ethno-cultural groupings in Alberta are elected to the Alberta Cultural Heritage Council which advises the Government of Alberta on matters of concern to the ethno-cultural

community. The Human Rights Committee of the Council has been active over the past year (1978-79) in advising the Government as to the programs and services which might be developed to increase understanding amongst people and thus deal with prejudices which lead to racial tensions.

2. The Alberta Cultural Heritage Foundation, with the support of Alberta Culture and Edmonton Public School Board, is currently (1979) developing a cultural heritage awareness program for elementary students in Grades 4, 5 and 6, called "Alberta People". This project will produce a series of educational kits to assist teachers and students as they explore the different cultures, customs and traditions of Alberta's people.

Alberta Personnel Administration Office implemented two measures:

1. Produced and distributed a pamphlet designed to eliminate employment interview questions that have previously tended to permit discrimination on several protected categories including race.
2. Developed and conducted training sessions with recruiters and monitored competition files to eliminate discrimination including racial biases among recruiters and managers.

The Alberta Human Rights Commission completed many projects which involved a component geared to the elimination of racial discrimination. The following projects were designed to contribute, in part, to a greater sensitivity to the negative effects of racial prejudice and stereotyping. Also, emphasis was given to the promotion of positive race relations.

1. A full page ad commemorating the 30th anniversary of the U.N. Declaration of Human Rights and reaffirming the principle of equality in dignity and rights without regard to characteristics such as race, colour, or place of origin, was placed in all major provincial newspapers.
2. In support of citizen participation in community-based human rights activities, the Commission contributed as a founding member of citizen race relations committees in two major urban districts.
3. In an effort to improve relations between the visible minorities and the white majority in the smaller rural communities, a major series of two-three days visits was implemented over the past two years. These included presentations in schools, public forums, liaison with community groups and leaders, consultation with major employers, a display of human rights information in a public mall, and an in-depth publicity campaign.

4. Involvement in recruit training and in-service staff seminars with law enforcement agencies is ongoing. The Commission works closely with the police-community relations personnel in this project.
5. Tenth grade curriculum materials developed by the Commission on prejudice and discrimination is now one of the recommended units in the social studies program in all the high schools of Alberta.
6. A series of professional development workshops for elementary and high school teachers has been implemented and focuses on the concept of human rights education. Through principles testing techniques, emphasis is given to the commonality of many human characteristics while promoting respect for cultural/racial differences.
7. A comparative evaluation of two ethnic studies programs for elementary school children was carried out to provide direction to the Commission for further investment of resources in this area.
8. The Commission instituted the production of a 30 minute animated film dealing with concepts of stereotyping and prejudice. The film is geared to the elementary school level.

9. Support has been provided to a citizen's group advocating greater visibility of minority persons in the media. In conjunction with this, efforts are being directed to increasing the awareness of effects of racial bias with personnel entering the fields of advertising, public relations, and journalism.
10. Finally, the print and audio-visual productions of the Commission during this period attempted to provide information on, and make people more sensitive towards, human rights issues in general and, in some cases, racial discrimination in particular.
11. An Interagency Education Committee has been formed consisting of representatives from the Commission, the Department of Education, the Alberta School Trustees Association, and the Alberta Teachers Association. The intent of the committee is to act as both a forum and a catalyst for ideas on reducing the effects of prejudice and stereotyping in the educational system, and promoting tolerance of a multicultural society.
12. Brochures on rights and responsibilities as stipulated in The Individual's Rights Protection Act are being produced in seven different languages to better serve the needs of the minority groups in Alberta.
13. Human Rights Festivals - One day celebrations of human

rights and multicultural events in the elementary schools are in the planning stages (1979), with involvement of the Commission, the schools, and the parents/community.

BRITISH COLUMBIA*

1. Responsibility for Handling Complaints

As mentioned in the previous report, the Human Rights Branch of the Ministry of Labour is responsible for enforcing the statutory provisions of the Human Rights Code of British Columbia, S.B.C. 1973, c 119, which prohibits discrimination in the areas of public services, tenancy and employment, on the basis of race, colour, ancestry and place of origin, among other things.

Over 1,000 formal complaints of discrimination were handled by the Human Rights Branch in 1978 and 1979. Of these, 161 were allegations of discrimination on the basis of race, colour, ancestry or place of origin.

2. Settlement of Complaints

Formal complaints are investigated and attempts are made to

* Report prepared by the Government of British Columbia.

settle those complaints which are substantiated.

For example, in a recent case, a Native Indian woman was denied employment as a babysitter because of the employer's negative attitude toward Native people in general. Settlement, after investigation, included an apology and a donation to the Native Indian cultural centre.

In another case, a man was refused a position as a welder because he was East Indian. Investigation revealed the Foreman had refused the complainant on the basis of race contrary to company policy. The case was settled: the complainant was given the position, received payment of back wages and was given retroactive seniority.

Where a complaint is not settled to the satisfaction of the parties involved, the case is referred to the Minister of Labour who may appoint a Board of Inquiry. A Board of Inquiry's decision is binding on the parties to the complaint. In cases where a Board of Inquiry finds that a contravention has taken place, the Board must issue a cease and desist order and may order to compensate the victim.

In 1978, in a case of eighteen complaints alleging discrimination by a cabaret in that entry and service were denied on the basis of race, colour and place of origin, it was not possible to reach a settlement and the case was referred by

the Minister of Labour to a Board of Inquiry. The Board found "the Respondent both knowingly and wantonly discriminated against black people ... through its various policies and practices designed to prevent their admission to the Club", and ordered the cabaret to pay a total of \$3750.00 in damages. This was the first ruling on a human rights case involving discrimination against black people in British Columbia.

3. Educational Activities

As mentioned in the previous report, the Human Rights Branch is involved in educational programs aimed at promoting the principles of the Human Rights Code. The Branch conducts workshops for schools, employers, unions and community groups, and provides resource persons to speak at seminars and conferences. An example of such activities was the Human Rights Conference held from May 9 - 12, 1978 by the Branch and the federal Department of the Secretary of State, and attended by 300 high school students from around the province. Students had the opportunity of discussing human rights on the local, national and international level with speakers from various racial and ethnic groups. The Conference was considered a great success and the organizers believe that it resulted in an increased respect and understanding on the part of the students for the racial and ethnic diversity of Canadians.

The Branch has also published and widely distributed a brochure explaining the Human Rights Code of British Columbia and the protection of rights. This brochure has been translated into Punjabi, French and Cantonese as well as English.

The British Columbia Human Rights Commission, which was created under the Code, is an independent body responsible for promoting the principles of the Code. It works closely with community groups and encourages and coordinates programs and activities to eliminate discriminatory practices.

The Commission and the Branch, in a joint effort, are about to make available a comprehensive public information kit containing the Human Rights Code of British Columbia, a number of special interest brochures, case summaries, and a human rights bibliography.

Further, the Commission plans to prepare a book in several languages giving information on human rights, labour standards, and citizenship.

Finally, in 1979 the Provincial Government passed the Refugee Settlement Program of British Columbia Act, S.B.C. 1979, c 27. The Act provides for: the establishment by the Minister of a program for the settlement of refugees, the employment of a director to administer the program, and the appointment of an Advisory Committee to assist the Minister.

NOVA SCOTIA*

NOVA SCOTIA HUMAN RIGHTS COMMISSION

Amendments to legislation

The Nova Scotia Human Rights Act, R.S.N.S. 1979, c H-24, was amended twice during the period under review. The two amendments as well as a copy of the Human Rights Act incorporating the amendments are being sent to the Secretary-General of the United Nations along with this report.

The first amendment introduced marital status as a prohibited ground for discrimination in employment and related areas. The second amendment introduced administrative changes with respect to boards of inquiry. Under the amendment, members and employees of the Commission cannot be compelled to give evidence before any board of inquiry or court of law or to provide access to information obtained during the course of an investigation. The amendment also provides for an appeal on a question of law from a decision of a board of inquiry to the Supreme Court of Nova Scotia (Appeal Division).

* Report prepared by the Nova Scotia Human Rights Commission for the Government of Nova Scotia.

Complaint Investigation

Processing of complaints continues to occupy a primary role in the work of the Commission which handled 203 formal complaints in the area of racial discrimination during the period under review. This was an increase of about 15% over the previous period.

A finding of probable cause was established in over 75% of the complaints and these were resolved through conciliation. About 15% of the cases were dismissed for lack of evidence. About 5% of the complaints were withdrawn while investigation continues with the balance outstanding.

Public Education

Public education activity is reflected in the 368 public speaking engagements carried out by staff members during 1978. In addition, the Commission has, during the past five years, presented stimulating school conferences in 53 schools. These conferences are held in cooperation with local school boards engaging the services of resource persons from minority, physically handicapped and women's groups. The conferences, which are one week each in duration, involve staff and students in concentrated activities centering on prejudice and discrimination and are designed

to increase awareness and sensitivity to human rights issues.

The most significant factor in the school conference program during the period under review was its expansion to include elementary schools. In doing so the Commission responded to the expressed needs of elementary school students as well as to the designation by the United Nations of 1979 as the Year of the Child. The Commission is also sponsoring three essay contests, for elementary, junior and senior high school students, in recognition of the International Year of the Child.

December 10, 1978 was proclaimed Human Rights Day in Nova Scotia by the Premier in a ceremony held in Province House to mark the 30th anniversary of the Universal Declaration of Human Rights and the 5th anniversary of the Decade for Action to Combat Racism and Racial Discrimination.

Affirmative Action

While complaint investigation and public education will continue to occupy important roles in the work of the Commission, affirmative action is the bell-wether for human rights in Nova Scotia.

Affirmative action in employment agreements entered into

during the period under review, included agreements with Metro Security Limited, College of Cape Breton, Yellow Cab Limited, Metropolitan Stores of Canada Limited and Polymer International Limited. Copies of a document describing the basic steps to effective Affirmative Action in Employment programs as well as an example of such agreements are being sent to the Secretary-General along with this report.

Affirmative Action awareness sessions were conducted with many employers across the province. Of special significance were the sessions held separately for police personnel and school teachers. A four-part human awareness session was held for all constables in the Halifax Police Department. This was followed by an address by the Director to the Police Association of Nova Scotia in April 1979. The Commission also presented a human rights session at the Maritime Police School training program held in May 1979. The teacher in-service training program involved 275 teachers employed by the Glace Bay School Board. Evaluation of teacher opinions indicates a very positive attitude towards human rights issues.

Significant progress has been made in the work of the Joint Committee on Human Rights and Education established under the joint chairmanship of the Director of the Human Rights Commission and the Deputy Minister of the Department of Education. The Joint Committee has developed guidelines for

publishers for the elimination of racism and sexism in school textbooks, which have been forwarded to publishers. The Commission in co-operation with the Canadian Commission for UNESCO and the Department of Education is developing a Teachers' Handbook on Human Rights.

An affirmative action in education agreement has been entered into by the Nova Scotia Teachers College and the Commission with a view to pooling of resources and more effective use of techniques and programs in human rights and education. Copies of the agreement are being sent to the Secretary-General along with this report.

Thirteen community human rights affirmative action committees have been established. These committees have representation from the major sectors of the community, namely labour, management, church, education, racial, ethnic, physically handicapped and women's groups. The committees provide a link between the Commission and the community establishing coordination and awareness where needed.

Committee members are dedicated to promoting communication and co-operation among racial and ethnic groups. Their activities include the sponsoring, promoting and sustaining of programs to improve the position of the victims of prejudice and discrimination.

QUEBEC*

Introduction

This report was prepared in accordance with the guidelines issued by the Secretary-General of the United Nations Organization.

To information on legislative and administrative actions were added examples of actions by the Quebec Human Rights Commission (Commission des droits de la personne), intended to give full effect to the provisions of the Convention. The majority of these examples were taken from the 1978 Annual Report, a copy of which is being forwarded to the Secretary-General along with this report.

It was also thought useful to forward to the Secretary-General an information paper tabled by the Minister of State for Cultural Development, at conferences held in various regions of Quebec in April, May and October, 1979, on Quebec society and minorities: this document is titled "Quebec Departments and Minorities".

As there is no need to repeat information already contained

* Report prepared by the Quebec Human Rights Commission (Commission des droits de la personne) for the Government of Quebec.

in previous reports, only a review of the legislative and administrative actions has been provided.

1. Information on the legislative, administrative and other measures that have been adopted and that give effect to the following provisions of the Convention:

(a) Condemnation of racial segregation and apartheid, in accordance with Article 3.

Racial segregation is prohibited by law in Quebec.

Section 10 of the Charter of Human Rights and Freedoms (RSQ 1977, c C-12) provides that every person has a right to "full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour ... ethnic or national origin..."

(b) Prohibition and elimination of racial discrimination in all its forms as enumerated in Article 5, especially in the field of political, civil, economic, social and cultural rights, and the right of access to any place or service intended for use by the general public.

Chapter II of the Charter of Human Rights and Freedoms deals with political rights, while Chapter IV deals with economic and social rights (ss 21, 22 and 39 to 48). On April 21, 1976 Quebec also ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional

Protocol related to this last Covenant. Quebec regards itself as legally bound by the various provisions of these international instruments, and examination of its legislation will show that this corresponds with international standards.

Further, Art. 18 of the Civil Code of Quebec provides that: "Every human being possesses juridical personality. Whether citizen or alien, he has the full enjoyment of civil rights except as otherwise expressly provided by law".

The right of access to any place or service is recognized in s 15 of the Quebec Charter:

15. No one may, through discrimination, inhibit the access of another to public transportation or a public place, such as a commercial establishment, hotel, restaurant, theatre, cinéma, park, camping ground or trailer park, or his obtaining the goods and services available there.

In 1978, eleven cases of discrimination based on race or colour in access to public places were examined and settlements were arrived at. For example, there were the cases of two discotheques in Montreal which required that black men be accompanied by women in order to enter; and the case of a public house which had a policy of excluding coloured persons. In the latter case, the public house changed its policy and signed an undertaking to that effect.

Section 12 of the Charter of Human Rights and Freedoms further states that:

12. No one may, through discrimination, refuse to make a juridical act concerning goods or services ordinarily offered to the public.

In 1978, the Quebec Human Rights Commission took action to ensure that in certain cases a telephone company would waive its requirement of a deposit imposed on immigrants.

(c) Assuring everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as the result of such discrimination, in accordance with Article 6.

A remedy is provided in the Charter of Human Rights and Freedoms. A human rights commission (Commission des droits de la personne) was created (ss 57 to 86), and any person who has reason to believe that he is or has been the victim of a violation of any of the rights recognized in ss 10 to 19 (discrimination) or in the first paragraph of s 48 (exploitation of aged and handicapped persons) may submit a request to the Commission for an investigation. Groups may also submit requests for investigations, as may any organization dedicated to the defence of human rights and

freedoms or to the welfare of a group of persons, provided the person on whose behalf the request is made has given his consent in writing. The Commission itself may also make an investigation on its own initiative.

Any person who requests an investigation may ask the Commission not to disclose his or her identity during the investigation.

The Commission shall endeavour to induce the parties to settle their dispute. If conciliation is unsuccessful, the Commission may recommend the cessation of the act complained of, the performance of an act or the payment of an indemnity within the time period fixed by it. When this recommendation is not followed to the satisfaction of the Commission within the time period fixed, the latter may, with the written consent of the victim, apply to the Court to obtain an injunction against the person in default, claim payment of the indemnity and ask for payment for exemplary damages, in the event of unlawful and deliberate offences. If he so desires, the victim may also exercise these remedies personally.

During 1978, 857 new files were opened with the Quebec Human Rights Commission. Fourteen (14) per cent of these concerned discrimination based on race or ethnic or national origin, especially in the areas of employment, housing and

access to public places or services ordinarily offered to the public.

2. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

(a) *The undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation, in accordance with Article 2.1(a).*

Under s 54, the Quebec Charter of Human Rights and Freedoms is binding on the Crown and consequently applies to levels of government and public institutions falling under provincial jurisdiction.

(b) *The undertaking not to sponsor, defend or support racial discrimination by any persons or organizations, in accordance with Article 2.1(b).*

The Charter of Human Rights and Freedoms prohibits any racial discrimination against any persons. It defines discrimination as being any distinction, exclusion or preference that has the effect of nullifying or impairing a right (s 10(12)). Similarly, s 11 of the Charter provides that "no one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so".

- (c) The undertaking not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination, in accordance with Article 4(c).

As to this, see the two preceding paragraphs.

3. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

- (a) The undertaking to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists, in accordance with Article 2.1(c).

Under s 67(d) of the Charter of Human Rights and Freedoms, the Human Rights Commission shall "make an analysis of any Quebec statutes existing prior to this Charter that may be inconsistent with it and make the appropriate recommendations to the Government". Section 56(3) of the Charter also states that the word "law" or "act" includes a regulation, a decree, an ordinance or an Order in Council made under the authority of any act.

In 1978, the Quebec Human Rights Commission concluded its analysis of all laws administered by the Quebec Department of Social Affairs and submitted the appropriate recommendations to the government. Analysis of all the laws administered by the Quebec Department of Justice has been

undertaken. Fifteen other laws were examined, as well as six regulations, affecting education, two cities, investigative agencies and taxi transport.

- (b) *The undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization, in accordance with Article 2.1(d).*

In this regard see above, paragraph 2.

- (c) *The undertaking to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of racial segregation and apartheid, in accordance with Article 3.*

- (d) *The undertaking to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof, in accordance with Article 4(a).*

In Quebec, "no one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so" (s 11, Charter of Human Rights and Freedoms). Breaches of ss 10 to 19 of the Charter constitute an offence punishable under the Summary Proceedings Act of Quebec (RSQ 1977, c P-115).

- (e) *The undertaking to declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law, in accordance with Article 4(b).*

As to this, see the preceding paragraph.

4. *Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:*

- (a) *The undertaking to encourage, where appropriate, integrationist multiracial organisations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division, in accordance with Article 2.1(e).*

The Quebec Human Rights Commission is required to "cooperate with any Quebec or outside organization dedicated for the promotion of human rights and freedoms" (s 67(f) - Charter of Human Rights and Freedoms of Quebec).

Several co-operation and training sessions have been held with various ethnic groups on the initiative of the Commission. This information is dealt with in paragraph (c) below.

So far as co-operation with areas outside Quebec is concerned, the President of the Quebec Human Rights Commission takes an active part in the Continuing

Federal-Provincial Committee of Officials Responsible for Human Rights, which has the responsibility of implementing the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant.

The Quebec Human Rights Commission is also active within the Canadian Association of Statutory Human Rights Agencies, a body which takes in all the human rights commissions in Canada. The Quebec Commission has submitted to this body a brief relating to improper procedures used by immigration authorities with respect to West Indian visitors to Canada.

In 1978, the President of the Quebec Human Rights Commission agreed to be rapporteur at the UNESCO Seminar held at Man and His World in Montreal, on racism in history. He also took part in an international conference attended by about sixty experts from various countries. Among the subjects examined were immigration and emigration and the question of participation by minorities and women in political life.

- (b) *The undertaking to take, when circumstances so warrant, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them for the purpose of guaranteeing the full and equal enjoyment of human rights and fundamental freedoms, in accordance with Article 2.2.*

Together with other measures which may be referred to elsewhere in this report, particularly in the following paragraphs, Quebec has been actively involved in various international actions, including that regarding the refugees from Southeast Asia.

By the end of 1980, more than 14000 refugees will have been admitted to Quebec. Considerable sums of money have been allocated for the purpose, from federal and provincial funds, pursuant to an agreement between the Government of Quebec and the Federal Government.

The objective is to integrate these people as quickly as possible into Quebec society, by their acquisition of genuine independence. Accordingly, they enjoy the same rights as those enjoyed by any Quebec resident, except for the right to vote, for which residence of twelve months is required as well as Canadian citizenship. They are therefore entitled to all social services free of charge, such as medical care, hospitalization and various financial allowances.

On their arrival they are given complete information on the rights enjoyed by every individual in Quebec, including those provided for in the Charter of Human Rights and Freedoms, courses in French, history and other subjects

pertaining to life in present-day Quebec.

Several Quebec churches have been involved, playing an active role in welcoming new arrivals and taking responsibility for them.

The general public has also been very active through the sponsorship program. Sponsoring groups make themselves responsible for the material and moral welfare of refugees. When they happen to be unaccompanied children, a sponsoring family becomes responsible for them until they attain legal age (18 years). In all cases, the Government of Quebec takes over responsibility in the event that the sponsorship ceases.

It may be well to recall that Quebec admitted more than two thousand Chileans when political problems occurred in that country.

(c) The undertaking to adopt immediate and effective measures, particularly in the field of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and the Convention, in accordance with Article 7.

Section 66 of the Charter of Human Rights and Freedoms imposes on the Human Rights Commission a duty to "promote, by every appropriate measure, the principles enunciated in this Charter". Section 67(b) states that the Commission shall, among other things, "establish a programme of information and education designed to promote an understanding and acceptance of the objects and provisions of this Charter".

The purpose of the Education Branch of the Quebec Human Rights Commission is to instruct or transform the social attitudes of persons in different groups in society, the teaching of receptive attitudes and mutual acceptance and the transformation of attitudes of rejection or intolerance.

Two types of approach are used to mount a real attack on these problems. The first is elimination of the external conditioning which creates the attitudes, resulting from family, school and other surroundings.

Thus, for example, in conjunction with the Department of Education, a teaching material approval grid has been prepared. This grid can be used to identify discriminatory stereotypes and encourage the positive and beneficial representation of minority groups.

However, as control of all these external factors is very

complex, an opportunity also had to be provided for students to identify negative conditioning factors themselves and take the necessary corrective action. Practice modules have therefore been created.

In the same vein, a practice booklet has been produced, designed to facilitate the work of secondary school teachers in connection with the celebration of December 10.

Other types of action have been taken with respect to more specific groups. Thus, in conjunction with the Quebec Police Institute, the courses offered at the Institute have been examined and a series of recommendations submitted. The objective is to incorporate a "human rights" approach into all the courses offered to candidate police officers.

Similarly, a community relations program between the police and the local community has now been undertaken.

The Education Branch has also instituted more general action with groups of various ethnic origins. The primary purpose of these training sessions is to develop attitudes based on knowledge of an individual's own rights: familiarity with rights, learning to perceive them as rights and the ability to take personal or collective action to enforce them.

Reference should also be made to various actions taken involving employers and unions.

In 1978, the Education Branch held 68 information meetings, 23 information sessions, and 58 leadership seminars. More than 300 consultations were also given.

As an example, we might mention the participation of the Commission in preparation of a document on the Amerindian image in Quebec textbooks (Image de l'Amérindien dans les manuels scolaires du Québec), sponsorship of a work on the controversy surrounding hunting, fishing and trapping rights among native peoples (La controverse du droit de chasse, de pêche et de trappage des Autochtones au Québec) and participation in the study of northern towns, from the standpoint of inter-ethnic relations.

In the field of information, the Human Rights Commission has had three primary concerns: the right of the public to information, the responsibility to organize information in terms of target groups and the necessity of being on the spot so that there can be genuine communication.

To carry out its general duty of informing the public, the Communications Branch of the Commission in 1978 distributed free of charge more than 31,000 copies of the Charter of Human Rights and Freedoms, over 18,000 pamphlets describing the Commission's mandate and organization, and more than 600 posters.

In 1978 a monthly bulletin on human rights and freedoms (Droits et libertés) began publication. The initial run was 3,000 copies. This bulletin provided associations, groups, organizations and individuals with information on activities of the Commission, studies, recommendations made to the government, investigations under way or completed, educational or co-operative programs and requests submitted to the Commission.

Sectorial information has been directed to the areas of labour, accommodation and teaching. More than 100,000 documents, pamphlets and studies have been distributed.

A series of Quebec information seminars instituted in 1977 concluded in 1978. These meetings made it possible to collect requests for information, support or action, to learn what the public expected and to identify current and potential needs.

In addition to the series organized by the Commission, over 170 information meetings were held at the request of groups or associations.

The Communications Branch also ensured that the Commission was represented in the print and electronic media. In 1978 350 articles published in the press dealt with the Charter of Human Rights and Freedoms or the Commission. In the same

year, the Commission accounted for more than 30 broadcast hours on radio and television.

These actions have led to closer contacts with various groups and associations; an example of this is the cooperation that has developed with groups of native women in Quebec.

SASKATCHEWAN*

A. New Developments

A new Human Rights Code was adopted by the Province of Saskatchewan in May of 1979 and was assented to on August 7th, 1979. Regulations were proclaimed at the same time the Code was assented to (copies of the Act and Regulations are being forwarded to the Secretary-General along with this report).

The Code replaces the 1972 legislation called The Saskatchewan Human Rights Commission Act, R.S.S. 1978, c S-25. As well, The Blind Person's Rights Act, R.S.S. 1978, c B-3.1, The Fair Employment Practices Act, R.S.S. 1978, c F-3, The Fair Accommodation Practices Act, R.S.S. 1978, c F-2, and The Saskatchewan Bill of Rights Act, R.S.S. 1978, c S-9, were repealed. The new Saskatchewan Human Rights Code has its stated objectives:

* Report prepared by the Saskatchewan Human Rights Commission for the Government of Saskatchewan.

- (a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and
- (b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

The new legislation codified the existing human rights laws into one document and added several new heads of discrimination. Under The Saskatchewan Human Rights Code, discrimination is prohibited in the area for employment, housing, public accomodation, education and in contracts on the grounds of race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry and place of origin. Discriminatory publications are prohibited (Section 14) and for the first time the Code addresses itself, in Section 14, to the distribution through newspapers, radio, television, or any other print material of "hate literature".

The new Code continues to provide for individual complaints and in addition allows for third party complaints as well as complaints initiated by the Saskatchewan Human Rights Commission (Section 27). If a complaint is not satisfactorily resolved, the Commission may order a Board of Inquiry to be convened by the Attorney General to hear and decide the matter complained of (Section 29).

Section 44 gives the Human Rights Code precedence over all other Acts of the Legislature and makes all other laws of Saskatchewan inoperative to the extent that they authorize or require the doing of anything prohibited by the Code unless expressly declared by an Act of the Legislature to operate notwithstanding the Human Rights Code. For the first time in Saskatchewan the human rights laws are paramount.

The Code, for the first time, deals with the societal discrimination, in Section 47, and the need for special Affirmative Action Programs designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by any group when those disadvantages are based on or related to race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of members of that group. The Saskatchewan Human Rights Commission is responsible for approving voluntary programs, ordering programs, making inquiries about the program, imposing conditions or withdrawing approval as the Commission thinks fit. A program approved by the Commission will not be in violation of the Code.

B. Typical Case

The last case the Saskatchewan Human Rights Commission members sat on as a Board of Inquiry prior to the new Code

coming into force is typical of a large number of complaints from people of Indian ancestry dealing in the area of services and public accommodation. The complainant, Lorna Tootoosis, alleged she was denied service in the beverage room of the Capri Motor Hotel in North Battleford, solely on the basis of her Indian ancestry. Mrs. Tootoosis, at the time of the complaint, was a kindergarten teacher on the Poundmaker Reserve some fifteen miles west of the City of North Battleford. She and her husband went into North Battleford on business and before going back to the reserve decided to have a drink in the beverage room. Mr. Tootoosis left Mrs. Tootoosis at a table waiting to be served while he went to the washroom. Mrs. Tootoosis was not served and when she asked for service was told by the barmaid, "You get out, you've had enough to drink for the day." When Mrs. Tootoosis attempted to explain that she had not had a drink that day and indeed had not had a drink in a year, she was still refused service and told to leave the beverage room. In the hearing the owner of the hotel argued that he did not have control over his employees and they were simply obeying The Saskatchewan Liquor Act. In their decision, the Commissioners stated, "He (Mr. Pfeifer) and his corporation are in the business of providing facilities and service to the public at large. The minimal price of doing such business is surely that the law be obeyed by all persons employed by his enterprises to serve the public. If Mr. Pfeifer's employees violate the law under The Fair Accommodation Practices Act

as we have found Charlene Foulston (the barmaid) to have done in this case, Mr. Pfeifer must be answerable for their actions. The law does not allow him to abdicate his responsibilities to his customers." The Commission, in ordering Mr. Pfeifer to pay Mrs. Tootoosis \$200.00 said: "Lorna Tootoosis has clearly suffered an injury to her dignity. For no good reason, she was refused service in a place to which the public is customarily admitted. She was first insulted then evicted. We have now determined on the evidence that this ill treatment had solely to do with her race. The respondents, United Enterprises Ltd. and Pius Pfeifer, must make amends for the injury caused by the conduct of the barmaid in question. In our opinion, an award of \$200.00 is called for, to compensate the complainant for the loss of dignity and humiliation which she suffered."

C. Education

Over the two years (1977-1979), the Saskatchewan Human Rights Commission has been holding in-service training for teachers in the public and high schools of the province. These workshops, called TASC (Teacher Awareness of Stereotyping in the Classroom) have dealt with three major areas - sex discrimination, race discrimination and discrimination against persons with a physical disability. These workshops have been co-sponsored by the Department of Education, Teachers Federation, School Trustees Association and the

Saskatchewan Human Rights Commission, and approximately one thousand teachers have participated in the training to date.

The Commission has published "A Pictorial History of the Metis and Non-Status Indian in Saskatchewan" which has been distributed free of charge to all schools and libraries in the province (copies are being forwarded to the Secretary-General along with this report). The Commission has participated in numerous workshops, conferences and seminars throughout the province, designed to promote understanding and combat prejudice which leads to racial discrimination. As well, the Director of the Commission has, over the reporting period, co-chaired a joint American and Canadian committee to plan for and provide a forum for discussions on human rights issues that transcend national borders. The first International Consultation on Human Rights issues was held in Ottawa, Canada in November of 1978 with approximately 60 people in attendance from Canada, U.S.A., England, Barbados and France. Further consultations are being planned.

FOURTH PART: ACTIVITIES OF NON-GOVERNMENTAL ORGANIZATIONS

Non-governmental organizations play an important role in Canada in the promotion of human rights and in the fight against prejudice and discrimination. Governments support their undertakings and the federal and provincial human

rights commissions work with these organizations. The support given by governments to these organizations often includes monetary assistance. The federal Department of the Secretary of State, through the various programs described above, was the main source of funding for activities of these organizations during the period under review.

As this report is attempting to highlight, among other things, activities of an educational character, this section will outline some activities of non-governmental organizations and individuals which contributed to the dissemination of information during the period. This is by no means an exhaustive account but rather an illustration of the type of activities carried on.

The Canadian Labour Congress published a brochure entitled "Human Rights in Canada - A Focus on Racism". It is an analysis of problems of racism in Canada along with a discussion of the means used to combat it. Copies of this publication are being forwarded to the Secretary-General of the United Nations along with this report.

In January 1979, the Canadian Advisory Council on the Status of Women released a report on the problems of immigrant women in the Canadian labour force. This paper attempted to fill in some of the information gaps relating to the role of immigrant and foreign women workers and their experience in

the Canadian labour market. To put their position in perspective, labour market profiles were drawn comparing the characteristics of immigrant and foreign women workers with those of Canadian women, Canadian men, and immigrant men. The labour-related problems of the most disadvantaged immigrant and women workers were described with a special look at the garment and textile industries and at domestic workers, fields often dominated by immigrant and foreign workers, though mainly by temporary workers in the case of domestics. Provincial and federal policies and legislation affecting immigrant and foreign women workers were also examined. These include minimum labour standards legislation at the provincial level, and at the federal level, employment authorization Regulations as they apply to foreign domestics, certain provisions of the Immigration Act, and the provision of language training.

In April 1978, the Canadian Advisory Council on the Status of Women published a document entitled "Indian Women and the Law in Canada: Citizens Minus". It is an analysis of the effects on Indian women of the provisions of the Indian Act which rule that Indian women lose their Indian status when they marry non-Indian men. Indian men do not lose their Indian status when they marry non-Indian women.

A research report on "The Dynamics of Racism in Toronto" done by an anthropologist of the Department of Anthropology

of York University in Toronto, was published in February 1978. The report presents the results of a study which measured the attitudes of a random sample of white Torontonians using a specially constructed questionnaire.

The Canadian Human Rights Foundation began a series of conferences on the subject of minority rights. These meetings are attended by leading human rights experts, university professors, government officials, representatives of human rights agencies and various minority groups.

An intensive seminar for educators entitled "The Schools: New Strategies against Prejudice and Racism" was conducted in the context of the Annual Institute on Human Rights and Civil Liberties held under the auspices of the University of Toronto. This is being followed up by the preparation of resource materials for classroom application, with the cooperation of the Ministry of Education and local Boards of Education in Ontario.

The United Nations Association in Canada sponsored a seminar on means of developing aids for the teaching of human rights in schools. This is being followed up by the preparation of a book on the subject of human rights in education.

Finally, the Canadian Council of Christians and Jews has undertaken an international survey of strategies which have been developed to combat racism.

APPENDIX I

TABLE 3 - Distribution of persons granted Canadian citizenship during 1979, by country of former allegiance and sex

TABLEAU 3 - Répartition des personnes ayant acquis la citoyenneté canadienne en 1979, selon le pays d'allégeance antérieure et sexe

(Source: Canadian Citizenship Statistics, Citizenship Registration Branch, Department of the Secretary of State)

| COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE | TOTAL | MALE HOMMES | FEMALE FEMMES | PER CENT POUR-CENTAGE | COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE | TOTAL | MALE HOMMES | FEMALE FEMMES | PER CENT POUR-CENTAGE |
|---|---------|----------------|------------------|--------------------------|---|-------|----------------|------------------|--------------------------|
| All Countries/ Tous les pays | 156,699 | 78,827 | 77,872 | 100.0 | Indonesia/Indonésie | 223 | 109 | 114 | .1 |
| Afghanistan - | 15 | 10 | 5 | - | Iran - | 232 | 134 | 98 | .2 |
| Albania/Albanie | 5 | 5 | - | - | Iraq/Irak | 93 | 54 | 39 | .1 |
| Algeria/Algérie | 95 | 65 | 30 | .1 | Irish Rep./ Rép. d'Irlande | 1,030 | 520 | 510 | .7 |
| Angola - | 17 | 12 | 5 | - | Isle of Man/Ile de Man | 4 | 2 | 2 | - |
| Argentina/Argentine | 512 | 282 | 230 | .3 | Israel/Israël | 1,492 | 812 | 680 | 1.0 |
| Australia/Australie | 880 | 476 | 404 | .6 | Italy/Italie | 9,695 | 4,932 | 4,763 | 6.2 |
| Austria/Autriche | 297 | 160 | 137 | .2 | Ivory Coast/ Côte d'Ivoire | 1 | 1 | - | - |
| Bahamas - | 43 | 21 | 22 | - | Jamaica/Jamaïque | 8,457 | 3,670 | 4,787 | 5.4 |
| Bahrain - | 5 | 3 | 2 | - | Japan/Japon | 382 | 197 | 185 | .2 |
| Bangladesh - | 167 | 79 | 88 | .1 | Jordan/Jordanie | 178 | 96 | 82 | .1 |
| Barbados/Barbade | 884 | 414 | 470 | .6 | Kenya - | 1,826 | 904 | 922 | 1.2 |
| Belgium/Belgique | 395 | 198 | 197 | .3 | Korea/Corée | 3,146 | 1,547 | 1,599 | 2.0 |
| Belize - | 29 | 11 | 18 | - | Kuwait/Koweït | 10 | 5 | 5 | - |
| Benin - | 7 | 4 | 3 | - | Laos - | 22 | 11 | 11 | - |
| Bermuda/Bermudes | 132 | 62 | 70 | .1 | Lebanon/Liban | 2,108 | 1,245 | 863 | 1.4 |
| Bolivia/Bolivie | 84 | 41 | 43 | .1 | Liberia/Libéria | 9 | 4 | 5 | - |
| Brazil/Brésil | 233 | 109 | 124 | .2 | Lybia/Lybie | 2 | 1 | 1 | - |
| British Virgin Islands/ Iles Vierges Britanniques | 2 | 2 | - | - | Luxembourg - | 8 | 2 | 6 | - |
| British West Indies/ Antilles Britanniques | 1,217 | 551 | 666 | .8 | Macau - | 176 | 87 | 89 | .1 |
| Brunei - | 62 | 33 | 29 | - | Madagascar Rep./ Rép. de Malgache | 40 | 23 | 17 | - |
| Bulgaria/Bulgarie | 54 | 33 | 21 | - | Malawi - | 23 | 12 | 11 | - |
| Burma/Birmanie | 132 | 70 | 62 | .1 | Malaysia/Malaysie | 755 | 370 | 385 | .5 |
| Burundi - | 15 | 11 | 4 | - | Mali - | 2 | 1 | 1 | - |
| Cameroon/Cameroun | 16 | 13 | 5 | - | Malta/Malte | 376 | 203 | 173 | .2 |
| Cayman Islands, Iles Caïman | 1 | - | 1 | - | Martinique - | 7 | 4 | 3 | - |
| Channel Islands/ Iles Anglo-Normandes | 7 | 4 | 3 | - | Mauritius/Île Maurice | 332 | 194 | 138 | .2 |
| Chile/Chili | 1,349 | 753 | 596 | .9 | Mexico/Mexique | 554 | 283 | 271 | .4 |
| China/chine | 6,441 | 2,965 | 3,476 | 4.1 | Monaco - | 1 | 1 | - | - |
| Columbia/Colombie | 576 | 299 | 277 | .4 | Morocco/Maroc | 623 | 371 | 252 | .4 |
| Costa Rica - | 17 | 7 | 10 | - | Mozambique - | 31 | 18 | 13 | - |
| Cuba - | 22 | 11 | 11 | - | Népal - | 1 | - | 1 | - |
| Cyprus/Chypre | 480 | 267 | 213 | .3 | Netherlands/Pays-Bas | 1,401 | 708 | 693 | .9 |
| Czechoslovakia/ Tchécoslovaquie | 325 | 177 | 148 | .2 | Netherlands Antilles/ Antilles Néerlandaises | 14 | 6 | 8 | - |
| Democratic Kampuchea/ Démocratique Kampuchea | 276 | 164 | 112 | .2 | New Zealand/ Nouvelle Zélande | 765 | 414 | 351 | .5 |
| Denmark/Danemark | 431 | 226 | 205 | .3 | Nicaragua - | 32 | 19 | 13 | - |
| Dominican Rep. | 56 | 17 | 39 | - | Nigeria - | 215 | 141 | 74 | .1 |
| Rep. Dominicaine | 431 | 232 | 199 | .3 | Norway/Norvège | 157 | 99 | 58 | .1 |
| Ecuador/Équateur | 957 | 524 | 433 | .6 | Pakistan - | 2,208 | 1,223 | 985 | 1.4 |
| Egypt/Egypte | 162 | 70 | 92 | .1 | Panama Rep./ Rép. de Panama | 24 | 11 | 13 | - |
| El Salvador - | 36 | 24 | 12 | - | Papua New Guinea/ Nouvelle Guinée | 2 | - | 2 | - |
| Ethiopia/Éthiopie | 1,644 | 863 | 781 | 1.1 | Paraguay - | 171 | 95 | 76 | .1 |
| Fiji - | 371 | 183 | 188 | .2 | Peru/Pérou | 477 | 239 | 238 | .3 |
| Finland/Finlande | 2,960 | 1,485 | 1,475 | 1.9 | Philippines - | 6,993 | 3,156 | 3,837 | 4.5 |
| France - | 4 | 3 | 1 | - | Poland/Pologne | 1,365 | 627 | 738 | .9 |
| French Guyana Guyanne Française | 1 | 1 | - | - | Portugal - | 7,333 | 3,854 | 3,479 | 4.7 |
| Gabon - | 3 | 1 | 2 | - | Rhodesia/Rhodésie | 76 | 35 | 41 | .1 |
| Gambia/Gambie | 2,522 | 1,225 | 1,297 | 1.6 | Romania/Roumanie | 417 | 226 | 191 | .3 |
| Germany/Allemagne | 307 | 191 | 116 | .2 | Rwanda - | 13 | 4 | 9 | - |
| Ghana - | 13 | 4 | 9 | - | St-Helena - | 1 | 1 | - | - |
| Gibraltar - | 4,382 | 2,234 | 2,148 | 2.8 | Samoa - | 2 | 2 | - | - |
| Greece/Grèce | 317 | 151 | 166 | .2 | Saudi Arabia/ Arabie Saoudite | 2 | - | 2 | - |
| Grenada/Grenade | 1 | - | 1 | - | Sénégal - | 7 | 6 | 1 | - |
| Guadeloupe - | 176 | 88 | 88 | .1 | Seychelles - | 14 | 4 | 10 | - |
| Guatemala - | 8 | 3 | 5 | - | Sierra Leone - | 15 | 10 | 5 | - |
| Guinea Rep. | 4,520 | 2,185 | 2,335 | 2.9 | Singapore/Singapour | 279 | 139 | 140 | .2 |
| Rep. de Guinée | 3,007 | 1,378 | 1,629 | 1.9 | Solomon Island/ Ile Solomon | 1 | - | 1 | - |
| Guyana/Guyane | 60 | 25 | 35 | - | Somalia/Somalie | 6 | 4 | 2 | - |
| Haiti, Haïti | 7,596 | 3,753 | 3,843 | 4.9 | South Africa/ Afrique du Sud | 1,123 | 578 | 545 | .7 |
| Honduras Rep. | 558 | 284 | 274 | .4 | Southern Yemen/ Rép. du Yémen | 8 | 2 | 6 | - |
| Rep. d'Honduras | 12 | 6 | 6 | - | Spain/Espagne | 696 | 406 | 290 | .4 |
| Hong Kong - | 9,484 | 5,201 | 4,283 | 6.1 | Sri Lanka - | 314 | 166 | 148 | .2 |
| Hungary/Hongrie | | | | | Sudan/Soudan | 22 | 14 | 8 | - |
| Iceland/Islande | | | | | | | | | |
| India/Inde | | | | | | | | | |

FOOTNOTE - NOTE (a) "Union of South Africa" is listed under "South Africa". - "L'Union de l'Afrique du Sud" est catalogué sous "Afrique du Sud".

TABLE 3 - Distribution of persons granted Canadian citizenship during 1979, by country of former allegiance and sex

TABLEAU 3 - Répartition des personnes ayant acquis la citoyenneté canadienne en 1979, selon le pays d'allégeance antérieure et sexe

| COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE | TOTAL | MALE HOMMES | FEMALE FEMMES | PER CENT POUR-CENTAGE | COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE | TOTAL | MALE HOMMES | FEMALE FEMMES | PER CENT POUR-CENTAGE |
|---|--------|----------------|------------------|--------------------------|---|-------|----------------|------------------|--------------------------|
| Surinam - | 12 | 4 | 8 | - | | | | | |
| Swaziland - | 1 | - | 1 | - | | | | | |
| Sweden/Suède | 142 | 74 | 68 | .1 | | | | | |
| Switzerland/Suisse | 763 | 411 | 352 | .5 | | | | | |
| Syria/Syrie | 467 | 244 | 223 | .3 | | | | | |
| Tahiti - | 1 | 1 | - | - | | | | | |
| Taiwan/T'ai-Wan | 515 | 240 | 275 | .3 | | | | | |
| Tanzania/Tanzanie | 2,357 | 1,189 | 1,168 | 1.5 | | | | | |
| Thailand/Thaïlande | 56 | 26 | 30 | - | | | | | |
| Togo - | 10 | 8 | 2 | - | | | | | |
| Tonga - | 2 | 2 | - | - | | | | | |
| Trinidad & Tobago/ Trinité & Tobago | 2,348 | 1,073 | 1,275 | 1.5 | | | | | |
| Tunisia/Tunisie | 122 | 100 | 22 | .1 | | | | | |
| Turkey/Turquie | 466 | 252 | 214 | .3 | | | | | |
| Uganda/Ouganda | 778 | 401 | 377 | .5 | | | | | |
| Ukraine - | 74 | 40 | 34 | .1 | | | | | |
| United Kingdom/ Royaume-Uni | 25,717 | 12,756 | 12,961 | 16.4 | | | | | |
| United States/ États-Unis | 3,423 | 1,789 | 1,634 | 2.2 | | | | | |
| Upper Volta/Haute Volta | 1 | - | 1 | - | | | | | |
| Uruguay - | 515 | 262 | 253 | .3 | | | | | |
| U.S.S.R./U.R.S.S. | 1,306 | 642 | 664 | .8 | | | | | |
| Venezuela - | 109 | 52 | 57 | .1 | | | | | |
| Vietnam/Viet Nam | 3,296 | 1,831 | 1,465 | 2.1 | | | | | |
| Yugoslavia/Yugoslavie | 3,301 | 1,701 | 1,600 | 2.1 | | | | | |
| Zaire - | 63 | 33 | 30 | - | | | | | |
| Zambia/Zambie | 49 | 25 | 24 | - | | | | | |

FOOTNOTE - NOTE (b) "Ukraine" is listed separately from the "U.S.S.R." and is not included in the "U.S.S.R." figures.
- "L'Ukraine" est catalogué séparément de "l'U.R.S.S." et n'est pas compris dans les chiffres pour "l'U.R.S.S."

APPENDIX II: LIST OF DOCUMENTS SENT TO THE SECRETARY-GENERAL
OF THE UNITED NATIONS WITH THE PRESENT REPORT

1. Report of the Canadian Human Rights Commission for the year 1978.
2. Report of the Canadian Human Rights Commission for the year 1979.
3. Annual Report of the Department of the Secretary of State For The Year Ended March 31, 1979.
4. Human Rights Act, Statutes of Nova Scotia 1969, c. 11, as amended by 1970, c. 85, 1971, c. 69, 1972, c. 65, 1974, c. 46, 1977, c. 58.
5. An Act to Amend the Statute Law Respecting Women, Acts of 1977, Nova Scotia c. 18.
6. An Act to Amend Chapter 11 of the Acts of 1969, the Human Rights Act. Bill No. 112, 1977, Nova Scotia.
7. Basic Steps To Effective Affirmative Action In Employment Programs, Nova Scotia Human Rights Commission.
8. Memorandum of Understanding: Message from the President, to College of Cape Breton, Re Affirmative Action in Employment.
9. Memorandum of Understanding Between the Nova Scotia Teachers College and the Nova Scotia Human Rights Commission.
10. Rapport annuel 1978, Commission des droits de la personne du Québec.
11. Québec Government Departments and the Minorities. Government of Québec, 1979.
12. The Saskatchewan Human Rights Code, 1979.
13. Saskatchewan Regulation 216/79 - The Saskatchewan Human Rights Code - Section 46, Order in Council 1402/79, July 31, 1979.
14. A Pictorial History of the Métis and Non-Status Indian in Saskatchewan. Published by the Saskatchewan Human Rights Commission in co-operation with the Association of Métis and Non-Status Indians of Saskatchewan.
15. Human Rights in Canada: A Focus on Racism; by Daniel G. Hill. Published by the Canadian Labour Congress.

APPENDIX III

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly
resolution 2106 A (XX) of 21 December 1965

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19.

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as

all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters.

At that meeting, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or

other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(a) Signatures, ratifications and accessions under articles 17 and 18;

(b) The date of entry into force of this Convention under article 19;

(c) Communications and declarations received under articles 14, 20 and 23;

(d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

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INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

SIXTH REPORT OF CANADA

December 1982

Canada

INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RACIAL DISCRIMINATION

SIXTH REPORT OF CANADA
August 1979 to July 1982

December 1982

Secretary of State
Ottawa



F O R E W O R D

This report was submitted to the Secretary-General of the United Nations in January 1983. It is published so that it can be made available to interested groups and individuals.

Through this publication, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. It is also hoped that readers will take this opportunity to broaden their understanding of the obligations contracted by Canada through its ratification of this important international treaty.

Copies of the report, in Canada's two official languages, can be obtained from the Human Rights Directorate of the Department of the Secretary of State in Ottawa, or at any regional or local office of the Department of the Secretary of State throughout Canada. Copies of previous reports on the same Convention can also be obtained from the Human Rights Directorate of the Department of the Secretary of State in Ottawa. These reports are distributed free of charge.

This edition of the report reflects minor editorial corrections made to the text after it was submitted to the United Nations in January 1983.

April 1983

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FIRST PART: GENERAL INTRODUCTION

A. Presentation of the Report

The International Convention on the Elimination of All Forms of Racial Discrimination was adopted and opened for signature and ratification by the United Nations General Assembly resolution 2106 A (xx) of December 21, 1965. It entered into force on January 4, 1969, that is, 30 days after the date of the deposit with the Secretary-General of the 27th instrument of ratification or accession.

Canada signed the Convention on August 24, 1966 and ratified it on October 14, 1970. According to article 19, the Convention entered into force for Canada 30 days after the date of the deposit of its instrument of ratification.

In accordance with article 9 of the Convention, Canada submitted a first report one year after the entry into force of the Convention for Canada, and every two years thereafter. The present report is the sixth submitted by Canada on implementation of the provisions of the Convention in this country. It was prepared in response to note G/SO 237/2 (2) of the Secretary-General of the United Nations dated May 27, 1981, and, as far as possible, on the basis of the "Revised General Guidelines" adopted by the Committee on the Elimination of Racial Discrimination.

B. Structure of the Report

The report is divided into three parts. The first part contains a general introduction; the second part deals with the measures adopted by the federal government and by the governments of the Northwest Territories and the Yukon Territory; the third part deals with measures adopted by the various provinces. Appendices contain a table on the distribution of persons granted Canadian citizenship during 1980 and 1981, by country of former allegiance; the list of documents sent to the Secretary-General of the United Nations with this report, the text of the International Convention on the Elimination of All Forms of Racial Discrimination, and the "Revised General Guidelines Concerning the Form and Contents of Reports" adopted by the Committee on the Elimination of Racial Discrimination.

C. General Legal Framework

The new guidelines call for a brief overview of the general legal framework within which racial discrimination is prohibited in Canada. The following pages provide a few comments on this subject, particularly with regard to the new constitutional provisions which guarantee residents of Canada the enjoyment of certain rights and freedoms.

(i) Distribution of Constitutional Powers

Within Canadian confederation the powers of government are exercised by the federal, the provincial and, pursuant to a delegation of powers by Parliament, the territorial governments. Unlike the provinces, which are allocated very specific areas of responsibility by the Constitution Act, 1867 (formerly the British North America Act, 1867), the territories are the creation of the Parliament of Canada. All governments have human rights responsibilities, each within its areas of jurisdiction, and the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination requires measures to be taken by all governments, federal, territorial and provincial.

(ii) New Constitutional Provisions

At the request of Canada, the Parliament of the United Kingdom enacted the Canada Act, 1982. Appended to this Act is the Constitution Act, 1982 which came into force on April 17, 1982.¹

The Constitution Act, 1982 contains a charter of rights and freedoms (the Canadian Charter of Rights and Freedoms) and additional provisions which contribute to the protection and implementation of the rights enunciated in the International Convention on the Elimination of All Forms of Racial Discrimination.

Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms provides protection of the following:

- fundamental freedoms;
- democratic rights;
- mobility rights;
- legal rights;
- equality rights for all individuals;
- official languages of Canada;
- minority language education rights;
- Canada's multicultural heritage; and
- aboriginal rights and freedoms.

The effect of these constitutional changes in Canada is to prohibit federal, provincial and territorial governments in Canada from enacting or enforcing laws which may conflict with the rights and freedoms therein defined, or from acting in any way which conflicts with those rights and freedoms. The inclusion of the Charter in the Constitution of Canada transforms

1. Copies of the Act are forwarded to the Secretary-General of the United Nations as reference material for the members of the Committee on the Elimination of Racial Discrimination.

its provisions into a part of the supreme law of the country, with the effect that any law enacted through the normal legislative process which is inconsistent with any of the guaranteed rights and freedoms is, to the extent of the inconsistency, of no force and effect. This is clearly established by section 52(1) of the Constitution Act, 1982:

"The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect."

By virtue of section 32, the Canadian Charter of Rights and Freedoms applies to all matters within the authority of the Federal, provincial and territorial governments, respectively. However, under section 33, Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 (fundamental freedoms) or sections 7 to 15 (legal and equality rights) of the Charter. Such a declaration would cease to have effect five years after it came into force but could be re-enacted thereafter.

The Charter provides also that the guarantees of the rights and freedoms set out in it are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society (section 1).

Insofar as discrimination (including racial discrimination) is concerned, subsection 15(1) of the Canadian Charter of Rights and Freedoms provides that:

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination, and in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Furthermore, subsection 15(2) permits the adoption of special programs in favour of disadvantaged individuals and groups by stating that:

"Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Section 15 thus confers a constitutional right on an individual to be free from racial discrimination before and under the law,

as well as the right to the equal benefit and protection of the law without racial discrimination.

Where an individual alleges that any of his/her rights in section 15 have been breached by government legislative or executive action, he/she may seek an appropriate remedy under subsection 24(1) of the Charter, which provides that:

"Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances."

By virtue of section 32, however, section 15 will come into force only three years after the entry into force of the Charter, that is three years after the 17th of April 1982. The reason for the delay is to give the federal, provincial and territorial governments time to review and change any laws that may not conform to the safeguards provided by that section.

In the meantime, however, Canadians are not left without protection of their rights as the provisions of the existing federal and provincial human rights legislation remained in force after the entry into force of the Charter and will continue to operate even after section 15 comes into force.

Beyond reliance on section 24(1) of the Charter for an appropriate remedy, an individual who alleges a breach of his/her rights under the Charter may rely on general legal principles which give him/her standing to seek a declaratory judgment relative to an allegedly discriminatory provision or practice. Where any prohibited discrimination is found to exist, a court in Canada is empowered to declare it of no force and effect, having regard to the supremacy of the Charter as a part of the Constitution, pursuant to section 52 which is set out above.

The entrenchment of the Canadian Charter of Rights and Freedoms in the Canadian constitution contributes significantly to the goals and objectives enunciated in article 2(1) of the International Convention on the Elimination of All Forms of Racial Discrimination. The Charter represents an effective undertaking by Canada not to engage in any act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions act in conformity with this undertaking. The enforceability of this undertaking is assured under the Charter, and its precise effect on the basic obligations under the Convention will accordingly fall to be determined by the Courts, in the particular factual circumstances of cases in which the requirements of the Convention are in issue.

In addition, many of the specific rights found in article 5 of

the Convention have been constitutionally secured through the entrenchment of the Charter. Political rights, as defined in article 5(c) of the Convention, are to a large extent protected by section 3 of the Canadian Charter which provides that:

"Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein."

The right to freedom of movement and residence within the borders of a state and the right to leave any country, including one's own, and to return to one's country are provided for in section 6 of the Canadian Charter:

"(1) Every citizen of Canada has the right to enter, remain in and leave Canada.

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

a) to move to and take up residence in any province; and

b) to pursue the gaining of a livelihood in any province."

The rights specified in subsection (2) are subject to any laws or practices of general application in force in a province other than those that discriminate on the basis of province of present or previous residence, and to any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services. These provisions, however, do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

The classical civil liberties such as freedom of thought, conscience, religion, opinion, expression, peaceful assembly and association, as outlined in article 5(d)(vii), (viii) and (ix) of the Convention are now protected by section 2 of the Charter:

"Everyone has the following fundamental freedoms:

a) freedom of conscience and religion ;

b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication ;

- c) freedom of peaceful assembly ; and
- d) freedom of association."

By virtue of section 15 of the Charter, cited above, all of these fundamental rights and freedoms are guaranteed to everyone without discrimination based on, inter alia, race, national or ethnic origin, or colour. In addition, effective remedies for any breaches of the basic principles discussed above (as required by article 6 of the Convention) are provided for in section 24 of the Charter, and by section 52 of the Constitution Act, 1982, in accordance with basic Canadian constitutional law doctrines.

In addition to the provisions reviewed above, the Canadian Charter of Rights and Freedoms contains provisions designed to guarantee the rights of the aboriginal peoples of Canada; it deals with the official languages of Canada; and it protects the educational rights of English and French language minorities. The Charter also deals with the preservation of the multicultural heritage of Canadians.

Rights of the Aboriginal Peoples of Canada

With regard to the rights of the aboriginal peoples of Canada, section 25 of the Charter states that the guarantee of the rights and freedoms contained in it shall not be construed as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada.

In addition, section 35 of the Constitutional Act, 1982 further provides that their existing aboriginal and treaty rights are recognized and affirmed. The Act defines "aboriginal peoples of Canada" as including the Indian, Inuit and Métis peoples of Canada.

Finally, the Constitution Act, 1982 provides, in section 37, that the conference which is to be convened within one year after its entry into force shall have included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of these peoples to be included in the Constitution of Canada, and that the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on that item. The conference is scheduled for mid-March 1983.

Official Languages of Canada

The Canadian Charter of Rights and Freedoms confirms that English and French are Canada's official languages, meaning that people have the right, among other things, to communicate in English or French with the federal government and to receive services in the official language of their choice wherever there is a significant

demand for services in that language. They also have the right to use English or French in Parliament and in all courts of law under federal jurisdiction. However, there is nothing in these sections that will require anyone to become bilingual. Rather, they will ensure that the federal government can serve members of the public in the official language of their choice.

The Charter also recognizes English and French as the official languages of New Brunswick, at the specific request of that province. The people of New Brunswick will have the constitutional right to use either official language in dealings with their government, in their legislative assembly and before the provincial courts.

Minority Language Educational Rights

With regard to minority language educational rights, section 23 of the Charter provides the following:

"(1) Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right

is sufficient to warrant the provision to them out of public funds of minority language instruction; and

- (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds."

Multicultural Heritage

With regard to the multicultural heritage of Canada, section 27 of the Canadian Charter of Rights and Freedoms provides the following:

"This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians."

Promotion of Equal Opportunities

The Constitution Act, 1982 contains an additional feature which has some relevance to the provisions of the Convention. The Act, in effect, contains a commitment to promote equal opportunities and it recognizes the principle of equalization payments to compensate for regional disparities. Section 36 provides that:

- "1. Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislature, together with the government of Canada and the provincial governments, are committed to
 - a) promoting equal opportunities for the well-being of Canadians;
 - b) furthering economic development to reduce disparity in opportunities; and
 - c) providing essential public services of reasonable quality to all Canadians.
2. Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation."

(iii) Legislation Against Racial Discrimination

The federal government and provincial governments have all passed human rights laws containing provisions against various forms of discrimination including racial discrimination. These laws generally prohibit discrimination in employment, housing, public services and places to which the public is admitted, insofar as these areas are under the jurisdiction of the government concerned.

These laws are administered by human rights commissions which are invested with the necessary powers of inquiry and intervention. In general, the commissions must seek to settle complaints outside the judicial system. However, if they are unable to settle a complaint they may bring it before a Board of Inquiry which will conduct a public inquiry and render a decision. A Board of Inquiry's decision is of legal force and can be appealed before a superior court.

The laws provide for penalties in case of violation of their provisions and compensation for the victims of such violations.

The commissions charged with administering these laws also have a mandate to educate the public and can adopt various programs for the elimination of prejudice and discrimination. A number of them can also adopt or approve special programs in favour of disadvantaged groups.

As previous reports have provided details on these laws and considerable information on the activities of the human rights commissions, this information does not need to be repeated here. This report will, however, discuss changes which have taken place during this period, in particular in Ontario where a new human rights code was adopted.

The texts of the laws mentioned in previous reports have already been sent to the Secretary-General of the United Nations. Given the rather unique character of the boards of inquiry established in Canada under the human rights laws, it was deemed useful to send some examples of decisions rendered by these boards to the Secretary-General for the use of members of the Committee on the Elimination of Racial Discrimination. A list is attached in Appendix II.

D. Enforceability of the Provisions of the Convention before the Courts

In Canada, international treaty law does not automatically become part of domestic law. On the other hand, the International Convention on the Elimination of All Forms of Racial Discrimination has not been incorporated into Canadian law as such. Canadian law does, however, contain many provisions which give effect to the rights recognized by the Convention and, although the Convention itself cannot be invoked before the

courts, the principles it contains can be invoked insofar as these principles are already recognized in Canadian domestic law.

E. Implementation of the Provisions of Article 4 of the Convention

Previous reports have discussed the measures adopted by the federal government and the provincial governments in this regard. These measures were presented in detail in an annex to the third report submitted by Canada in response to the request from the Committee on the Elimination of Racial Discrimination. Subsequent reports discussed measures adopted thereafter.

Moreover, Canada's position with regard to article 4 (b) under which the States Parties have undertaken to "declare illegal and prohibit organizations . . . which promote and incite racial discrimination, and . . . recognize participation in such organization . . . as an offence punishable by law" was explained to the Committee on the Elimination of Racial Discrimination in response to questions asked by the members of the Committee.

The governments in Canada strongly condemn the activities of such organizations and use existing laws to repress any illegal acts that they might commit. However, when it is a matter of prohibiting the existence of certain organizations, they are aware of the provisions of article 4 of the Convention which stipulate that the measures provided for in paragraphs (a), (b) and (c) must be adopted with "due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention".

Groups which preach racism are rare in Canada and their influence on the general public is minimal. Their activities are infrequent for the most part and usually give rise to general disapproval. Although public and private organizations interested in human rights do not generally support the adoption of measures which would prohibit the existence of such groups, they do not hesitate to condemn them and to conduct campaigns against their activities. The following resolution adopted in June 1981 by the Canadian Association of Statutory Human Rights Agencies is a case in point:

"Be it resolved that the Canadian Association of Statutory Human Rights Agencies condemns and opposes any individual or organization that preaches racial, ethnic or religious intolerance such as the Ku Klux Klan and calls upon the federal, provincial, territorial and municipal governments to immediately adopt positive measures to strengthen legal provisions and enforcement measures in order to eradicate all incitement to such discrimination and subversion."

F. Demographic Composition of the Canadian Population

In its General Recommendation IV, adopted on August 16, 1973, the Committee on the Elimination of Racial Discrimination invited States Parties to the Convention to include in their reports relevant information on the demographic composition of the population. Such information, based on the 1971 Census, was provided to the Committee. New information on the demographic composition of the population of Canada was gathered during the 1981 census and is now being compiled. The results will be available in 1983 and will be included in the first report submitted following their publication.

The fifth report submitted by Canada under the Convention contained a table which indicated the diversity of origins of persons granted Canadian citizenship during 1979. The tables for the years 1980-1981, appearing as Appendix I to this report, also indicate the increasing diversity of the Canadian population.

SECOND PART: FEDERAL GOVERNMENT

A. General

This part will deal with measures adopted by the federal government and by the governments of the Northwest Territories and the Yukon Territory.

With the exception of the new constitutional measures mentioned in the first part of this report, the principal legislative and administrative measures which implement the provisions of the Convention at the federal level were adopted prior to the period under review in this report and have already been described in previous reports. These measures remain in force.

This report will focus on new measures adopted during this period and new developments in the areas already discussed in previous reports.

B. Information in relation to each of the articles contained in Part I (articles 2 to 7) of the Convention

Article 2 of the Convention

The measures adopted with regard to this article have been described in previous reports and remain in force. The situation has not changed with the exception of the following developments in relation to paragraphs 1 (c), 1 (e) and 2.

Paragraph 2.1 (c) provides that:

"Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;"

As a result of the inclusion of the Canadian Charter of Rights and Freedoms in the Canadian Constitution, the federal government has undertaken a review of its laws and regulations to determine whether their provisions are in accordance with the provisions of the Charter. This review is being conducted by the Department of Justice. It is aimed at identifying those legislative provisions which would not be in accordance with the Charter so that Parliament can make the necessary amendments.

Paragraph 2.1 (e) states that:

"Each State Party undertakes to encourage, where appropriate, integrationist, multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division."

Previous reports have discussed the many programs which relate to these provisions of the Convention, including the programs of the Department of the Secretary of State in the fields of human rights, multiculturalism, assistance to Native groups and assistance to official language minority groups.

These programs, which are aimed at promoting the respect of human rights, ensuring the development of certain disadvantaged racial and ethnic groups and guaranteeing such groups the full and equal enjoyment of fundamental rights and freedoms (as provided under article 1.2 of the Convention), remain in force.

Priority to Human Rights

During the period under discussion in this report, the question of human rights became a new priority for the Government of Canada. Additional staff was assigned to this area and the various departments undertook to increase their efforts with regard to information and public education programs. One example of this is the creation of a Race Relations Unit within the Department of the Secretary of State, as explained below.

Multiculturalism and Race Relations

In 1981, the Multiculturalism Directorate of the Department of the Secretary of State celebrated the tenth anniversary of the establishment of the multiculturalism policy.

During that year particular focus was placed on activities addressing the problems associated with race relations and on efforts to increase the knowledge and awareness of all Canadians in respect to the diversity of the society in which they live.

In June 1981, the Minister of State for Multiculturalism announced the development of a special program designed to give specific direction and support to research and projects dealing

with the particular concerns of visible minorities and to promote greater cross-cultural communications.

A variety of pilot projects were initiated, a poll measuring Canadian attitudes was conducted and a national symposium was organized to study the use of the laws in combating racism. This latter event brought together representatives of the visible minority communities, legal experts, representatives of the law enforcement agencies, human rights commissioners and representatives of all levels of government.

During the summer of 1982, in order to continue the efforts undertaken to deal with the problems of racism, the Minister of State for Multiculturalism created a Race Relations Unit within the Multiculturalism Directorate. Earlier programs in this area included new funding for the development of educational material and a communications plan to stimulate public awareness of the issues. The new section will conduct research into such areas as the influence of economic factors on social tensions and the causes and implications of the recent resurgence of extreme right wing organizations. The findings of such research will assist the Multiculturalism Directorate in designing new programs.

Paragraph 2.2 of the Convention stipulates:

"States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved."

The last report discussed legislative provisions promoting the adoption of such measures and the programs established in particular by the Canada Employment and Immigration Commission and the Public Service Commission. These measures remain in force.

During the period under review the Canadian Human Rights Commission has developed criteria for the adoption of special programs and it has examined special programs proposed by employers.

Special Programs Criteria

Section 15 of the Canadian Human Rights Act permits and encourages the adoption of special programs to improve opportunities for certain groups as a legitimate mechanism to

remedy discrimination and disadvantage. To assist employees who are contemplating this action, the Commission has developed Special Programs in Employment: Criteria for Compliance. This paper specifies the framework for the Commission's evaluation of special program proposals -- either as part of the complaint settlement or by agencies requesting advice and assistance in the voluntary establishment of a program. It states the criteria which the Commission will use in determining whether the plan constitutes a special program.

The document outlines the steps to be taken in developing a special program and includes an appendix of examples which illustrate the nature and scope of activities which may be undertaken in a special employment program under the Act.

Appointment of Native People Exclusion Approval Order

The Appointment of Native People Exclusion Approval Order was approved, on the recommendation of the Public Service Commission of Canada, by the Governor in Council on December 3, 1981. This Order is intended to facilitate the appointment of Native persons to two special programs in the Department of Indian Affairs and Northern Development, by restricting recruitment and selection for positions in these programs to qualified Natives. Once appointed, Natives will have the opportunity to enhance their qualifications so that they may have access to other positions in the Public Service. While there are 523 positions listed in the Order, only about 200 of these will be used at any one time. The difference is to allow greater flexibility to the Department in identifying suitable positions. The Order expires in March 1986.

The adoption of special programs in favour of members of disadvantaged groups has become a major undertaking in Canada during recent years. A detailed description will be presented in the next report.

Article 3 of the Convention

The "Revised General Guidelines" call for the following information regarding article 3 of the Convention:

"A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 3 of the Convention, in particular, to the condemnation of racial segregation and apartheid and to the undertaking to prevent, prohibit and eradicate all practices of this nature in territories under the jurisdiction of the reporting State;

B. Information on the status of diplomatic, economic and other relations between the reporting State and the racist regimes of southern Africa, as requested by the Committee in its General Recommendation III of 18 August 1972 and decision 2 (XI) of 7 April 1975."

Canadian Policy on South Africa

Successive Canadian governments have firmly, forcefully and repeatedly condemned South Africa's practice of apartheid as abhorrent and a gross violation of fundamental human rights. The Prime Minister has personally reaffirmed Canada's opposition and has described racial discrimination as an unacceptable insult and affront to mankind. Canadian ministers and representatives have, at the United Nations as well as at other international and national fora, condemned South Africa's resistance to meaningful change, have expressed the view that justice for the oppressed majority of that country is inevitable and have confirmed Canada's strong support for the goal of eradicating apartheid. Canada does not recognize the governments or the so-called independence of "homelands" that have been established as an extension of apartheid.

In line with this general policy and approach, Canada has instituted several measures designed to demonstrate its rejection of apartheid and to bring effective pressure on the government and white minority of South Africa to realize the international unacceptability of their policies and attitudes.

As far back as 1963, Canada voluntarily imposed an embargo on sales of arms and military equipment to South Africa. This was extended, in 1970, to include spare parts. In 1977, Canada, then a member of the Security Council, supported the application of a mandatory arms embargo on South Africa.

Also, in 1977, the Canadian government decided to terminate those of its activities that encouraged or promoted trade with and investment in South Africa. Canadian trade commissioners were withdrawn and the Consulate-General in Johannesburg was closed. The Export Development Corporation's government account for financing and insuring trade with South Africa was withdrawn as well as the facilities which has been available for the insurance of Canadian investments in South Africa. These measures were extended further in 1981 when the Corporation's corporate account for South Africa was withdrawn.

In January 1980, the Canada-South Africa Trade Agreement, which accorded South African exports preferential tariff access to the Canadian market, was terminated.

In 1978, the Government developed a voluntary Code of Conduct concerning employment practices for Canadian companies operating in South Africa. The purpose of this code is to indicate to Canadian companies, explicitly, the manner in which the Government expected them to conduct their operations in South Africa and, thereby, to improve the working conditions for their non-white employees.

In April 1978, Canada imposed a visa requirement for all South Africans visiting Canada.

The Canadian government has actively discouraged sporting contacts between Canada and South African athletes. Beginning in 1972, the government refused to provide funds to Canadian sporting bodies for competitions in Canada that invited South African representatives, or for Canadian athletes to compete in South Africa. From July 1978, the Government has refused to issue visas to South African sportsmen or officials who intended to visit Canada to participate in competitions or meetings on a nationally representative basis. In February 1982, further financial measures were introduced to restrain competition between Canadian and South African athletes in third countries.

Canada does maintain diplomatic relations with South Africa because the Canadian government believes this provides a continuing means to communicating to the South African government and to the white minority there Canadian opinion about the unacceptability of apartheid and the need for change. Through Canada's official contacts and through such mechanisms as support from the Canadian International Development Agency or non governmental organizations involved in development projects and the Canadian Embassy's small Mission Administered Fund, it is intended to exert such influence as can be brought to bear and encourage social development and change. Canada has also made special efforts to assist the victims of apartheid through special grants to international organizations and, particularly, U.N. programs of education, training and relief for South African refugees.

Article 4 of the Convention

Previous reports have discussed measures adopted which give effect to the provisions of this article. They were also mentioned above in the General Introduction.

The fifth report submitted by Canada mentioned the steps taken by the Human Rights Commission to prohibit the use of the telephone by the Western Guard Party and Mr. John Ross Taylor to communicate messages inciting to hatred, in violation of section 13 of the Canadian Human Rights Act. The report mentioned that the Western Guard Party had been sentenced to a fine of 5,000 dollars and Mr. John Ross Taylor to one year in prison but that the respondents had appealed the judgment. In July 1981, the Supreme Court of Canada dismissed the appeal and the sentence became enforceable. Mr. Taylor subsequently served the prison sentence imposed by the court.

On June 2, 1981, the House of Commons unanimously adopted a motion condemning in the strongest terms the race hatred and intimidation used by organizations such as the National States Rights Party and the Ku Klux Klan.

Article 5

The measures taken regarding the provisions of this article have

been described in previous reports. Moreover, the reports submitted to the United Nations on the implementation of the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights provide a great deal of information on the measures adopted which give effect to the provisions of this article. Finally, the general introduction to this report mentioned the provisions of the Constitution Act, 1982, in particular the Canadian Charter of Rights and Freedoms, which apply to this article.

Article 6 of the Convention

During the period under review a number of measures were adopted to facilitate the enforcement of the Canadian Human Rights Act. The measures included regulations, policies and administrative decisions.

Human Rights Tribunal Appeal Regulations

On May 27, 1980, the Governor in Council adopted the Human Rights Tribunal Appeal Regulations under subsection 42.1(1) of the Canadian Human Rights Act. These regulations set out the procedure for filing and the content of a Notice of Appeal from a decision of a Human Rights Tribunal to a Review Tribunal.

Immigration Regulations and Guidelines

On August 27, 1980, the Governor in Council enacted the Immigration Investigation Regulations SOR/80-686 which set out the procedure which shall be followed by the Canadian Human Rights Commission upon receipt of a formal complaint against Employment and Immigration Canada.

On July 23, 1980, the Canadian Human Rights Commission adopted the Immigration Guidelines SI/80-125 in which it defines the terms "lawfully present in Canada" and "temporarily absent from Canada and entitled to return" which are found in section 32(5) of the Canadian Human Rights Act.

Systemic Discrimination Section

A four-person systemic discrimination section was established within the Complaints and Compliance Branch of the Canadian Human Rights Commission to respond to a significant increase in the number of major employers and government departments seeking advice and assistance as they overhaul their employment policies, practices and procedures to conform with the Canadian Human Rights Act.

Bona Fide Occupational Requirements Guidelines

In 1981, the Commission passed guidelines under section 22 of the

Act concerning **bona fide** occupational requirements. These are binding on the Commission and all tribunals. The Commission also published administrative criteria to explain how it will determine whether an occupational requirement which has an impact on individuals with physical limitations is **bona fide**.

Employer Guide

In 1981, the Canadian Human Rights Commission published a guide on the Canadian Human Rights Act for use by employers. The purpose of the publication is to inform employers and their management personnel about the existence, requirements and effects of the Act. It outlines the functions of the Commission and helps managers understand their role in eliminating and preventing discrimination.

Policy Regarding Harassment

Finally, in August 1982, the Canadian Human Rights Commission announced its policy regarding harassment. The policy states the following principles: no person shall harass any other person; protection against acts of harassment extends to incidents occurring at or away from the workplace, during or outside normal working hours provided such acts are committed within the context of employment, or in the provision of goods, services, facilities or accommodation; harassment may be related to any of the discriminatory grounds contained in the Canadian Human Rights Act.

Article 7 of the Convention

The "Additional Guidelines" adopted by the Committee on the Elimination of Racial Discrimination suggest that the information related to article 7 be presented under the following separate headings: education and teaching, culture, and information.

1. Education and teaching

In Canada, education is within the area of jurisdiction of the provinces, except when it is the education of members of groups that are exclusively under the jurisdiction of the federal government, the Indians living on reservations, for example.

Through its contacts with provincial authorities and by other means at its disposal the government supports the incorporation of teaching on human rights in school programs.

In the context of its educational programs in the area of human rights the Department of the Secretary of State provides numerous human rights documents to the public including those in the school system.

2. Culture

Earlier in this report there is a description of activities of the Multiculturalism Directorate. This Directorate, and the other directorates of the Department of the Secretary of State, which are involved in human rights activities, in assistance to Native citizens and in assistance to official languages minority groups, support the efforts of institutions and associations working to develop national culture and traditions, to combat racial prejudices and to promote intra-national and intra-cultural understanding, tolerance and friendship among nations and racial and ethnic groups. The previous report provided details of the activities of the Department in these areas. The Canadian Human Rights Commission also plays an important role in this sector of activity.

The "Additional Guidelines" ask information on the work of solidarity committees or United Nations Associations. The United Nations Association in Canada is an independant non-governmental association dedicated to inform Canadians on United Nations activities. To help it carry on its activities the Association receives financial assistance from the Department of External Affairs, and occasionally also from other departments. Among other things the Association and its affiliates concern themselves with human rights issues including problems of racism and racial discrimination.

The "Additional Guidelines" also ask information on the observance of Human Rights Days by States parties. Numerous activities are carried on each year to mark Human Rights Day on the occasion of the anniversary of the adoption, on December 10, 1948, of the Universal Declaration of Human Rights. Reports were submitted to the Secretary-General of the United Nations on the celebration of Human Rights Day in 1980 and in 1981. Copies of those reports will be made available to the members of the Committee on the Elimination of Racial Discrimination.

Canada has undertaken special activities for the celebration in 1983 of the 35th Anniversary of the adoption of the Declaration.

3. Information

The Department of the Secretary of State and the Canadian Human Rights Commission are the principal agencies of the federal government that disseminate information to combat racial prejudices and racial discrimination and to inculcate better understanding of the purposes and principles of the United Nations instruments. Numerous other departments and agencies also play an important role in this area, by highlighting human rights issues, on a regular basis, in their day-to-day operations. The Canadian Broadcasting Corporation, whose contribution is reproduced below, is a good example.

Contribution of the Canadian Broadcasting Corporation

The fifth report of Canada on the International Convention on the

Elimination of All Forms of Racial Discrimination mentioned the contribution of the Canadian Broadcasting Corporation, the organization required by the Canadian Parliament to provide a national radio and television service. The CBC has been no less diligent in exposing problems in this sensitive area during the period covered by this sixth report.

Within the framework of its daily program schedules, the CBC has often dealt with questions concerning human rights and the relations among the ethnic groups forming the Canadian mosaic. Showing what Canadians are in their own surroundings, reflecting their diverse experiences and exploring their differences by way of information, cultural and drama programs remain one of the CBC's basic objectives, for the Corporation believes that the understanding flowing from such increased awareness contributes to the development of mutual understanding and helps curb socio-cultural prejudices and racial discrimination.

Being the national broadcaster in a nation composed of many ethnic groups, the CBC is sensitive to its responsibility to contribute to a climate of opinion that renders racial discrimination unacceptable. Toward this end, the CBC's news bulletins in their routine coverage of the events of the day reported extensively on matters concerning human rights and diverse forms of racial and religious discrimination, emphasizing when necessary issues that came before the Canadian Human Rights Commission or its provincial counterparts or that were raised by private organizations.

Public affairs programs, whose role is to examine and promote discussion and debate on issues of public concern, regularly explored, by way of interview, discussion and investigative reporting, issues concerning prejudices, comprehension between groups, and, of course, discrimination in its various forms, contributing to a heightened awareness of the problems and helping make it possible for corrective action to be taken at whatever level necessary.

It is through its local and regional programming that the CBC has given special expression to issues concerning human rights. The road to a society free of prejudices and tolerant of other people's feelings and aspirations may be long and arduous but it starts at one's own doorstep. Racial problems, religious fanaticism, suspicion between people, manifest themselves first between neighbours and must be dealt with at the level of the community. Local CBC programs have provided a forum for the expression of the frustrations and difficulties that members of ethnic groups encounter. By talking openly about the situation these people generate, first, feelings of tolerance, then of understanding, and finally an unreserved acceptance of all members of the group by the rest of their neighbours.

NORTHWEST TERRITORIES

The government of the Northwest Territories has indicated that

there had been no change in the situation in the Northwest Territories since the last report was submitted.

YUKON TERRITORY²

Yukon Public Service

The Public Service Commission provides training within government departments for Native people under the federally funded Northern Careers Program and the On-the-Job Training Program of the Department of Indian Affairs and Northern Development. While the Government of Yukon does not guarantee that permanent positions will be made available to trainees upon completion of the training period, the Government of Yukon attempts to identify suitable vacancies which are advertised by open competition and for which trained applicants are eligible to apply.

Legal Services

Native Courtworkers Program

The Native Courtworkers Society provides social-based services primarily to Native persons who have come into conflict with the law. The Society does not provide financial aid but does act on behalf of an individual in his or her dealings with lawyers, the court, probation officers, social workers, etc. These counselling and support services are made available in all Yukon communities.

Education

Native Language Program

The Yukon Native Languages Project is a collaboration between the Council for Yukon Indians and the Government of Yukon's Department of Education. Its basic aim is to provide practical and technical assistance to Native language programs underway in Yukon schools.

Since it began in 1977, the Yukon Native Languages Project has been involved in a variety of efforts to promote recording, analysing and teaching of Yukon languages. These efforts include the development of a Native language curriculum for the schools, the training of language instructors, the development of basic written materials in various languages and the recording of oral traditional narratives with the aim of making them available for classroom use, where appropriate.

At the direct request of members of the communities, oral programs are offered in most rural Yukon schools and in several Whitehorse schools as well.

2. Report submitted by the Government of the Yukon Territory.

THIRD PART: PROVINCES

Introduction

As mentioned in the General Introduction all provinces have enacted human rights laws which prohibit racial discrimination and all have established human rights agencies charged with the responsibility to enforce the legislation.

Previous reports have accounted for these developments. The reports which follow account mainly for the new developments which occurred during the period under review.

This part will contain the reports submitted by the governments of the provinces of Alberta, British Columbia, New Brunswick, Nova Scotia, Ontario, Québec and Saskatchewan, followed by a summary of developments that took place in the provinces of Manitoba, Newfoundland and Prince Edward Island, prepared by the Department of the Secretary of State on the basis of information provided by the governments of these provinces.

ALBERTA¹

Measures Adopted in the Fields of Teaching, Education, Culture and Information

Alberta Education has adopted the following measures:

1. Introduction of a new Social Studies Curriculum which gives major attention to concepts such as: Human Needs, Perspective, Global View, Egocentrism, Ethnocentrism, Stereotyping, Self-Esteem, Culture, Discrimination, and Social Stratification. The new curriculum also focuses on many issues relating to human rights and discrimination. In addition, a learning package was commissioned dealing with the plight of refugees, and touching directly upon the discrimination they may have to face.
2. Renewal of annual contract with the Alberta Native Communications Society for the production of radio programs. These programs are designed to explain and illustrate native culture and history to elementary school pupils, to promote an appreciation and understanding of the native culture and history to elementary school pupils and to promote an appreciation and understanding of the native culture and its contribution to Canadian life.
3. Addressing Multi-Culturalism in various Alberta Heritage Learning Resources Project materials such as: Books for Young Readers (grades 4-6); Western Canadian Literature for Youth (grades 7-12); Alberta Literature for Senior Students and Adults (grades 10-12 and adults); and Kanata Kits, where various ethnic groups are represented and emphasized. The Heritage Project shows how ethnic groups contribute to the Canadian identity, that is, how we are the same rather than different.

Alberta Advanced Education and Manpower has adopted the following measures:

1. The Department encourages, through funding of institutional projects, access by Native people to:
 - (a) life skills programs;
 - (b) academic upgrading;
 - (c) specific Native Studies; and
 - (d) regular post-secondary courses.

1. Report submitted by the Government of Alberta.

Through these programs there are an increasing number of Native people entering advanced studies.

Some of the specific courses include:

- (a) "Project Morning Star": which trains Native people to become teachers;
- (b) Native studies courses offered at Grant MacEwan College and the University of Calgary; and
- (c) academic upgrading courses made available at some Vocational Centres aimed primarily at Natives.

As well, there is an increasing delivery of educational programs to outlying areas through consortia and the application of new educational technologies, thereby providing Native people with the educational opportunities they require despite physical dislocation.

- 2. The Department is providing funding for more programming in English as a Second Language to accommodate large increases in refugees and immigrants to the Province.

Liaison is maintained with voluntary refugee and immigration organizations in the province in an effort to assist immigrants to become accustomed to their new homeland.

- 3. The Department has developed various career resource materials which are sensitive to the issue of racial discrimination. Some of these materials include the following:

- (a) two new films ("Given the Chance" and "New Day - New Horizons") concerned with Native peoples and their involvement in the community and the work place; and
- (b) development of various print materials including Canada Career Week posters, which are intended to encourage individuals to consider a variety of career opportunities, including non-traditional ones, and which promote racial equality.

- 4. The Department is involved in a number of exchange programs for students which include the following:

- (a) a summer work exchange program for university students with the province of Québec;
- (b) the Summer Language Bursary Program; and
- (c) the Official Language Monitor Program.

These programs encourage young people to learn more about

the languages and cultures of other ethnic people.

Alberta Culture has sponsored these measures:

1. Representatives from over 50 different ethno-cultural groups in Alberta are elected to the Alberta Cultural Heritage Council which advises the Government of Alberta, through the Minister of Culture, on matters of concern to the ethno-cultural community.

One of the Council's projects was to host a major conference on Cultural Diversity and Television. Issues that were explored were:

- (i) Concerns of ethno-cultural groups regarding the manner in which they were portrayed on television.
 - (ii) Methods of sensitizing the television industry as to the needs and aspirations of ethno-cultural groups.
 - (iii) Ways in which consultations could take place between ethno-cultural groups and the industry so as to enhance the portrayal of cultural diversity on television and more accurately reflect the diverse nature of Canadian society.
2. In addition, the Human Rights Committee of Council initiated liaison with police race relations units in three urban communities for the purpose of bringing ethno-cultural group concerns to their attention.
3. The Cultural Heritage branch of Alberta Culture has sponsored a series of leadership training programs in Intercultural Communications. These programs are designed to explore alternatives and develop effective strategies for promoting cultural awareness and intercultural communication. Participants representing such systems as media, social service agencies, police departments, educational institutions, and business have been involved in these programs. Over a period of eight months such topics as "What is Canadian Culture", "Native Canadian Perspectives on Multiculturalism", and "Strategies for Counselling Across Cultures" are examined. It is anticipated that participants will become more sensitive to some of the issues confronting those working in systems that must deal with a culturally diverse population in addition to learning training techniques and strategies. At the end of the program, participants are expected to conduct similar programs in their own agencies and institutions.
4. In addition to the Intercultural Communications training program, staff of the Cultural Heritage branch have conducted numerous cultural awareness workshops with schools, community agencies and volunteer organizations.

Alberta Personnel Administration Office implemented the following measures:

1. Through the Native Career Opportunities Program, the Government of Alberta is assisting native people to take full advantage of increased career opportunities in the Alberta Public Service.
2. Distributed government pamphlets designed to eliminate employment interview questions that may have permitted discrimination on several protected categories including race.
3. Continuing to develop and conduct training sessions with recruiters and monitor competition files to eliminate discrimination including possible racial biases among recruiters and managers.

The Alberta Human Rights Commission is involved in on-going activities with components geared to the elimination of racial discrimination within Alberta. The following were intended to contribute to a greater sensitivity to the effects of racial discrimination and stereotyping with particular emphasis on the promotion of positive race relations.

1. To improve communication with minority groups the Public Services and Minorities Committee, a standing Committee of the Commission, was created. The mandate of this Committee is to deal with any special (current) problems encountered by minority groups and maintain an ongoing liaison with these organizations.
2. To allow the people of Alberta more access to the Commission, and conduct an open forum at the regular monthly commission meetings. Minority groups have taken advantage of this opportunity to make the Commission more aware of their concerns and problems.
3. The education component, on an ongoing basis, is providing education/employer workshops with the intention of making the participants more sensitive to racial discrimination and its negative implications on society. The education staff will respond to any request to provide in-service training.
4. The Department of Education still has, as part of their Grade 10 curriculum, materials developed by the Commission on prejudice and discrimination known as "Respecting Our Differences".
5. The Commission was introduced to and is most supportive of the "Society for the Prevention and Elimination of Discrimination and Stereotyping", a project of the Calgary Board of Education. A project such as this introduces the

concept of racial discrimination to elementary students and makes them aware of the positive aspects of being aware of minority groups.

6. The film "Buttonville" and the Teacher's Guide are still in use in the elementary schools of the Province. This animated film deals with the concept of stereotyping and prejudice.
7. The Commission instituted the production of a slide-tape presentation "Human Rights - We're all Responsible" which discusses the Commission in general and the process of filing a complaint if discrimination does occur.
8. The brochure "You Have the Right" is being produced in Urdu, Ukrainian, French and Chinese to better serve the needs of these minority groups.
9. The Commission continues to support the activities of the urban Race Relations Committees by meeting on a regular basis to discuss mutual concerns, activities, and improve relations with the visible minorities.
10. In order to make the areas outside the two major urban areas more sensitive to human rights and discrimination the Commission meets twice a year outside the major urban areas. The intent of these visits is to encourage representation by ethnic/minority groups on their particular concerns or allow discussions with the Commissioners on a one-to-one basis.
11. To increase the awareness of the media to human rights in general and racial discrimination in particular, an ongoing dialogue is maintained through the public portion of the meetings and individual media contacts.

BRITISH COLUMBIA¹

1. Responsibility for Handling Complaints

As mentioned in the previous report, the Human Rights Branch of the Ministry of Labour is responsible for enforcing the statutory provisions of the Human Rights Code of British Columbia, R.S.B.C. 1979, c. 186, which prohibits discrimination in the areas of public services, tenancy and employment, on the basis of race, colour, ancestry and place of origin, among other things.

Over 1,000 formal complaints of discrimination were handled by the Human Rights Branch in 1980 and 1981. Of these, over 200 were allegations of discrimination on the basis of race, colour, ancestry or place of origin.

2. Settlements of Complaints

All formal complaints are investigated and an effort is made to bring about a settlement or resolution in all cases.

For example, in a recent case, two Indo-Canadian brothers alleged they were denied an opportunity to rent advertised accommodation because of their race and place of origin. The investigation revealed that the landlord would not rent to Indo-Canadians because of a poor previous experience with Indo-Canadian tenants. Settlements included apologies to the brothers and an agreement to discontinue the discriminatory treatment.

In another case, a man was refused a job in the forest industry because of his race and place of origin (Indo-Canadian). The case was settled; the complainant was offered the position and received approximately \$2,000.00 for lost wages.

Where a complaint is not settled to the satisfaction of the parties involved, the case is referred to the Minister of Labour who may appoint a Board of Inquiry. A Board of Inquiry's decision is binding on the parties to the complaint. In cases where a Board of Inquiry finds that a contravention has taken place, the Board must issue a cease and desist order and may order to compensate the victim.

In 1981, in a case involving a complaint from a Native Indian ice hockey team alleging they were refused accommodation at a motel because of their race and ancestry, it was not possible to reach a settlement and the case was referred by the Minister of Labour to a Board of Inquiry. The Board found that the hockey team had been discriminated against because of their race and ancestry and further found that the Motel owner had acted with wanton disregard and had deliberately disregarded his obligations. The Board ordered that the Motel cease and desist the discrimination

1. Report submitted by the Government of British Columbia.

and further ordered the Motel to pay a total of \$3,100.00 in costs and damages.

3. Educational Activities

As mentioned in the previous report, the Human Rights Branch and Commission are involved in educational programs aimed at promoting the principles of the Human Rights Code. They conduct workshops for schools, employers, unions and community groups, and provide resource persons to speak at seminars and conferences.

As an example of this, the Human Rights Commission held open public meetings throughout the Province during 1980 and 1981. The issue of Human Rights generally and racism specifically were discussed at these meetings. On Human Rights Day, December 10, 1980, the Human Rights Commission sponsored a ceremony in Vancouver at which Mr. George McCurdy, Executive Director of the Nova Scotia Human Rights Commission, delivered the keynote address. His topic was "Racism as a Human Rights Issue". Another meeting was held in March 1981, with the main topic being "Racism and the Media". A number of workshops were held on the topic. As a result of this meeting and these workshops, the Human Rights Commission sponsored a workshop in May 1981 entitled "Working with the Media". The workshop, which was attended by a number of professional journalists, was designed to show community groups how to use the media to get their message across to the public. A publication entitled "Working with the Media" resulted from the workshop and is available from the Human Rights Commission.

As part of its education mandate, the Human Rights Commission maintains a file of publications, films, Radio and T.V. announcements and reports which are available free or on loan to individuals, schools, community groups, and the press. Again, many of these publications and films deal specifically with the issue of racism. The Commission also regularly publishes and widely distributes a Newsletter which deals with current issues and concerns in Human Rights.

4. Legislation

During 1980, concern about racism reached a new high in British Columbia following evidence of open recruiting by racist groups. Distribution of racist hate literature in schools and shopping centres, along with evidence of other racist activities, led the Human Rights Commission in November 1980 to issue a press release urging the government to use the full extent of the law to prohibit the dissemination of hate literature. The Attorney-General of British Columbia responded to this and other requests for action by commissioning an independent investigation of racism in the province. Vancouver lawyer John McAlpine carried out the investigation and recommended legislation that would prohibit the communication of racist ideas. As a result of

this, the Civil Rights Protection Act, S.B.C. 1981, c. 12, was unanimously passed by the British Columbia legislature. Section 1 of the Act defines a prohibited act as "any conduct or communication by a person that has as its purpose interference with the civil rights of a person or class of persons by promoting

- (a) hatred or contempt of a person or class of persons, or
- (b) the superiority or inferiority of a person or class of persons in comparison with another or others,

on the basis of colour, race, religion, ethnic origin, or place of origin".

A party to an action brought under this Act may be awarded damages or exemplary damages and a person, corporation, or society who commits a violation of the Act may be fined or jailed. A copy of the Act is enclosed.

CIVIL RIGHTS PROTECTION ACT

CHAPTER 12

[Assented to July 7, 1981.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Prohibited act is actionable

1. (1) In this Act, "prohibited act" means any conduct or communication by a person that has as its purpose interference with the civil rights of a person or class of persons by promoting

- (a) hatred or contempt of a person or class of persons, or
- (b) the superiority or inferiority of a person or class of persons in comparison with another or others,

on the basis of colour, race, religion, ethnic origin or place of origin.

(2) A prohibited act is a tort actionable without proof of damage,

- (a) by any person against whom the prohibited act was directed, or
- (b) where the prohibited act was directed against a class of persons, by any member of that class.

(3) Where a corporation or society engages in a prohibited act, every director or officer of the corporation or society who authorized, permitted or acquiesced in the commission of the prohibited act may be sued by the persons referred to in subsection (2) and is liable in the same manner as the corporation or society.

(4) In an action brought under this section, the commission of a prohibited act by any director or officer of a corporation or society shall be presumed, unless the contrary is shown, to be done, authorized or concurred in by the corporation or society.

(5) An action under this section shall be commenced in the Supreme Court.

Attorney General may intervene in action

2. (1) The Attorney General may intervene in an action commenced under section 1, and where the Attorney General intervenes, he becomes a party to the proceedings.

(2) Where a person commences an action under section 1, he shall serve the Attorney General with a copy of the writ of summons within 30 days after commencing the action.

Remedies

3. (1) A party to an action brought under section 1 may be awarded damages or exemplary damages.

(2) Where the court awards damages or exemplary damages in an action brought by a member of a class of persons under section 1, the court may order payment of the damages to any person, organization or society that, in the court's opinion, represents the interests of the class of persons.

(3) In an action brought under section 1, the court may, in addition to any other relief, grant an injunction.

Offence

4. (1) A person who engages in a prohibited act commits an offence and is liable to a fine of not more than \$2 000 or to imprisonment for not more than 6 months, or to both.

(2) A corporation or society that commits an offence under subsection (1) is liable to a fine of not more than \$10 000.

(3) Where a corporation or society commits an offence under subsection (1), every director or officer of the corporation or society who authorized, permitted or acquiesced in the commission of the prohibited act commits an offence and is liable to the penalties under subsection (1).

NEW BRUNSWICK¹

A. LEGISLATION

The following summary describes the legislation and procedures in effect to combat racial discrimination in New Brunswick.

The New Brunswick Human Rights Act was enacted in 1967. By virtue of this statute, the Human Rights Commission was created to promote the principle that all persons are equal in dignity and human rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, marital status or sex. The Act is designed to ensure equality of access to places, activities and opportunities.

Accordingly the Act prohibits these forms of discrimination when they relate to employment, customary public accommodation, services and facilities, occupancy of commercial or residential property, and to the publishing or displaying of signs, symbols or other representations indicating an intention to discriminate on a prohibited ground.

The enforcement process begins with the submission of a complaint to the Commission by the alleged victim of discrimination. The Commission is then required to conduct an investigation and conciliate the matter or effect a settlement, when sufficient evidence is adduced to justify the complaint. Terms of settlement vary, depending on the nature of the complaint, but these may require provision for accommodation, employment, and or services previously denied. Other forms of redress commonly include compensation for the victim's financial loss and or an apology to the complainant. When efforts to conciliate or effect a settlement of the matter fails, a Board of Inquiry may be appointed to hear the matter and make a determination. If there is a finding that the Act has been contravened, the Board may then make recommendations to the Commission as to the course that ought to be taken with respect to the complaint.

The Act includes penal provisions for non-compliance with these orders as well as for the act of discrimination per se.

Affirmative action programs to promote the welfare of a particularly disadvantaged group may be approved or undertaken by the Commission on its own initiative.

1. Report submitted by the Government of New Brunswick.

B. MEASURES TAKEN TO DEAL WITH RACIAL DISCRIMINATION AND ITS EFFECTS, DURING THE PERIOD UNDER REVIEW

The Commission provides both literature and resource people to assist in the conduct of educational programs designed to eliminate racial prejudice and discriminatory practices. For example, the Commission has published a teaching manual designed to assist educators in enabling students to recognize and understand interalia racial prejudice and stereotyping, as well as the related ill effects on society. This manual is currently being utilized by schools in New Brunswick and other provinces.

The Commission has given its approval to the creation of positions of "Native Student Counsellor" in provincial schools and universities for the purpose of responding to the special needs of native students and to promote greater continued education in the school system.

An office of Equal Employment Opportunity in Government has been created to promote interalia a greater participation of native people in the provincial Public Service.

In an attempt to respond to some of the specific needs of our native peoples to the extent that these fall within provincial jurisdiction, the Government of New Brunswick has established a Native Persons Desk within the Human Rights Commission. Experience has demonstrated that existing models for the protection of equalitarian rights does not provide an effective way of ensuring native people the full enjoyment of economic, social and cultural equality. The Commissioner responsible for the Native Persons Desk will focus his resources on three categories of services:

- (a) The investigation and settlement of complaints of racial discrimination made by native people under the Human Rights Act. In addition, the Commissioner will provide an avenue for community conflict resolution when appropriate in matters on reserves, and between reserve residents and non-native communities.
- (b) Liaison with Native communities in matters relating to the enhancement and understanding of native history and culture by non-native persons in New Brunswick.
- (c) Special attention will be given to creating additional employment activities for native persons.

NOVA SCOTIA¹

Nova Scotia Human Rights Commission

Amendments to legislation

The Nova Scotia Human Rights Act, R.S.N.S. 1969, c. 11 was amended once during the period under review. This amendment extended protection to the physically handicapped by prohibiting discrimination in the areas of housing, property rights and services and facilities. Protection had previously been enacted prohibiting discrimination in the area of employment.

Complaint investigation

Processing of complaints continues to occupy a primary role in the work of the Commission. There were 204 formal complaints handled by the Commission during this period. This was about the same number of formal complaints handled during the previous period. "Formal" complaints are complaints which can be classified under race, religion, colour, creed, sex, national origin, ethnic origin, physical handicap, age (40-65 years of age) or marital status and which the Commission is obligated in law to investigate.

A finding of probable cause was established in nearly 70% of the complaints and these were resolved through the conciliation process. Where settlements cannot be reached through conciliation, the complaints were referred to a public board of inquiry. About 15% of the complaints were dismissed because the evidence did not reveal probable cause while 10% of the complaints were withdrawn by the complainants during the course of investigation. In the balance 5% of the complaints investigation was continuing on July 31, 1982.

In addition to formal complaints the Commission plays a helping role in complaints of discrimination, not formally covered under the Human Rights Act. There was an increase of about 10% in the number of informal complaints handled by the Commission during the period under review.

Public education

Section 18 (b) of the Human Rights Act requires the Commission to "develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights" without regard to race, colour, etc. The efficacy of the Commission's mandate in the field of public education is reflected in the 625 speaking engagements carried out by the staff members during the period under review.

-
1. Report submitted by the Nova Scotia Human Rights Commission on behalf of the Government of Nova Scotia.

In addition to speaking engagements school conferences are held in cooperation with local school boards. Eighty-eight school conferences have been held in the province since the Commission began its school conference program in 1974. The conferences involve students of all age levels and are designed to maximize student participation. Community resource persons representing various minorities and who are active in human rights issues participate in classroom sessions with human rights officers. A new feature of the school conferences has been the introduction of a poster contest. Students design human rights posters which are judged by local artists and the winners are awarded prizes.

During the period under review, a slide show was produced for the Commission by the Nova Scotia Department of Government Services. The ten-minute presentation explains human rights legislation and outlines the Commission's role in complaint investigation, affirmative action and public education. The slide show is used at conferences, shopping mall displays, awareness sessions and shown to visitors at Commission offices throughout the province.

The Human Rights Commission library is used increasingly by the general public as related study programs in the education system increase. The extensive reference files provide up-to-date information on minority groups and human rights issues. The library serves all age levels and the librarian assists library users, in person as well as by mail and phone.

The Human Rights Commission continues to publish and distribute Commission literature on a Canada-wide basis. Some of the publications during the period under review were "How the Human Rights Commission Serves People", "Pictorial on Black History in Nova Scotia", "Guidelines for investigating complaints of discrimination" and, "A Guide for Employers". A newsletter is also published monthly. It has a circulation of 2,500 and provides updated information on human rights activities in the province.

Affirmative Action

To date 22 affirmative action agreements have been entered into with provincial employers in the public and private sectors. Amongst the agreements signed during the period was one with the Association of Professional Placement Agencies which represents an overwhelming number of the employment agencies in operation within Nova Scotia.

The Association of Nova Scotia Housing Authorities (responsible for the administration of public housing in the province) signed a declaration of fair housing practices in cooperation with the Human Rights Commission and the Housing Commission. The document affirms the conviction that public housing will be accessible to all eligible persons regardless of race, religion, creed, colour, national or ethnic origin, age, sex, marital status or physical handicap.

Affirmative Action awareness sessions continue to be conducted with many employers throughout the province. They are designed to increase group sensitivity to minority problems and to help participants build healthy community relations. Ethnic and minority backgrounds, their values and differences are discussed and the harmful effects of stereotyping pointed out. During the period under review awareness sessions were held for police personnel, municipal government employees, hospital workers and school teachers.

Affirmative Action committees are active throughout the province. During the period under review the fourteenth committee was formed in the town of Yarmouth. With minimal financial grants from the Human Rights Commission, these committees (made up of representatives from church, education, labour, business and minority groups) work at the community level to promote human rights in the areas of education, housing, economic opportunity, municipal policies and practices and community relations.

During the period under review the Commission appointed a full time Coordinator of Programs for the Disabled. The Coordinator liaises with organizations for the disabled on a daily basis. He also chairs a Special Legislative Advisory Committee which is currently reviewing existing legislation and recommending legislative changes.

The Joint Committee on Human Rights and Education (which is co-chaired by the Director of the Human Rights Commission and the Deputy Minister of Education) has as its priorities: (a) examining and monitoring present textbooks and materials; (b) recommending materials related to minority cultures, women and the disabled; (c) development of human rights programs in the schools and teacher-training colleges. In 1981, the Sub-committee on Learning Materials published: "Guidelines to eradicate prejudice, bias and stereotyping in textbooks". These guidelines are distributed to all persons who review textbooks for the Department of Education, to assess suitability for inclusion in the school curriculum.

Community liaison

Human Rights Officers are responsible for official liaison with groups throughout the province in order to help in the promotion of their activities and of human rights issues. These groups, totalling over 70, include churches, school board associations, universities, employee unions and societies representing various minority groups, e.g., African United Baptist Association, Black Educators Association, Black United Front, Chinese Society, Disabled Individuals Alliance, Halifax Association for the Deaf, Halifax Board of Trade, Indo-Canadian Association, Maritime School of Social Work, Metropolitan Immigration Settlement Association, Government Employees Union, N.S. School Boards Association, Union of Nova Scotia Indians, Voice of Women.

The Federation for Religious, Racial and Ethnic Equality (FRREE) was established in 1981 to combat a threatened move of the Ku Klux Klan into the province and forms the basis of the coalition which dedicates itself to exposing activities of hate groups and encouraging public vigilance against such organizations. FRREE is particularly concerned with activities within the education system which has been targeted by the Klan as an area for recruitment of members. FRREE also advocates introduction of new legislation as well as stronger enforcement of Section 281.2 of the Criminal code of Canada (which provides penalties for public incitement of hatred).

Each year, on December 10th, the Premier signs a proclamation to mark the anniversary of the Universal Declaration of Human Rights and to declare the day Human Rights Day in the province. The proclamation calls upon Nova Scotians to reaffirm their commitment to the elimination of discrimination. In 1981, through the joint initiative of the Union of Nova Scotia Municipalities and the Human Rights Commission, similar proclamations were signed by mayors and wardens throughout the province, to mark the day in their respective municipalities.

Education and teaching, culture and information

Reference has been made above to the efforts of the Nova Scotia Human Rights Commission, in the field of education, to combat prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among racial and ethnic groups.

In 1975, the Nova Scotia Department of Education established the Division of Ethnic Services to help the department to provide improvement in policy, methods, programs and courses, learning resources, teacher preparation, school organizations and school-community relations. The Ethnic Services Division has as its priorities: multi-cultural education, human rights education, ethnic and cultural studies and international education. Concentrating on these areas will result in more culturally responsive and responsible schools, community organizations and individuals.

Amongst the basic aims of the Ethnic Services Division are: (a) to reduce the tendency among groups to consider themselves unique or better than others and to encourage acceptance and appreciation of ethnic and cultural differences; (b) to foster adequate understanding of the different heritages and cultures and of the part played by the various groups to shape our present identity, values and society.

The Education Media Services Division of the Nova Scotia Department of Education complements the work of the Ethnic Services Division. It has during the period under review, produced films on minority groups, e.g., "Survivance" (a film in

French about the Acadians), "Freedom" (a film about the Black Loyalists). It is in the process of making a film, not titled yet, dealing with women's issues.

The Cultural Affairs Division of the Nova Scotia Department of Culture, Recreation and Fitness works closely with the Multicultural Association of Nova Scotia. While the Association, a non-governmental organization, is largely responsible for the programming, the Department provides the operating funds for the activities of the Association. The Department of Culture also provides small financial grants to other non-governmental organizations for specific cultural and ethnic events.

The Information Services Division of the Nova Scotia Department of Government Services is responsible for the various publications of the Human Rights Commission which disseminate information to combat prejudice and discrimination. The Information Services Division also serves as liaison between the Human Rights Commission (and other provincial government departments) and the mass information media. The press as well as the radio and television stations have cooperated fully in giving extensive coverage to the activities of the Human Rights Commission.

CONVENTION ON THE ELIMINATION OF ALL FORMS
OF RACIAL DISCRIMINATION
CANADA'S SIXTH REPORT
PROVINCE OF ONTARIO

REPORT SUBMITTED BY THE
GOVERNMENT OF ONTARIO

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INTRODUCTION

This Report, which is prepared in accordance with the guidelines established by the Committee on the Elimination of Racial Discrimination, covers the period August 1979 to July 1982. In general, the events discussed in this Report are limited to that time period, although earlier events may occasionally be referred to where such is necessary to promote continuity or context. Ontario looks forward to the preparation of the Seventh Report which, unaffected by the timing considerations which limited the scope of this Report, will permit a more detailed discussion of the significant advances Ontario has made in this vital area.

PART I: GENERAL

A. POLICY

In the period under review in this Report, Ontario took a number of major initiatives to reinforce its long-standing commitment to the elimination of racial discrimination in all its forms. Ontario's record of activity in the field, which stretches back to the discontinuance of slavery in 1793, has demonstrated in recent times a continuing refinement of legislative approaches to the evils of racism. The most recent Ontario Human Rights Code, which came into force on June 15, 1982, brings Ontario's legislation up to the highest international standards, and marks a fitting culmination of legislative activity over the past four decades.

Ontario is well aware that strong legislative provisions against racism must be accompanied by clear public leadership and by effective public enforcement of the law. The depth of Ontario's commitment to abolish racism and establish good race relations is shown in the following statement of the Premier of Ontario, the Honourable William G. Davis:

"My personal view of racism may be stated in a short sentence: Racism is intolerable, and will not be tolerated by any government I lead. My government will respond to racial violence with the full force of the law, will confront acts of discrimination with effective enforcement of human rights legislation, and will counter prejudicial attitudes with widespread educational initiatives."

This clear articulation of policy was followed in the fall of 1979 with two developments of major significance. First, a Cabinet Committee on Race Relations was established, chaired by the Attorney-General, and including among its membership the Ministers of Labour, Education, Citizenship and Culture, and the Solicitor General. The Committee has recently been expanded to include the Ministers of Consumer and Commercial Relations, and Community and Social Services, and the Provincial Secretary for Social Development. The establishment of this committee, which places authority over race relations at the very highest level of

government, is a significant recognition of the need to recognize and respond to racism.

The second important development in the fall of 1979 was the appointment of a Commissioner for Race Relations. This senior official, a full time member of the Ontario Human Rights Commission, has a responsibility to both develop and focus the policies of the Human Rights Code in the field of race relations. His appointment demonstrates a clear governmental commitment to race relations, and a clear desire to ensure that other evolving grounds of discrimination, while important, do not diminish the province's efforts in the field of race relations. When a new Human Rights Code was enacted in 1981, the Commissioner's position was given a statutory base, and as well a Race Relations Division of the Human Rights Commission was established, comprised of the Commissioner for Race Relations and two other members of the Human Rights Commission.

In June of 1982, the Government of Ontario approved and released a Policy Statement on Race Relations. This document, a copy of which is attached as Annex I to this Report, evinces an unequivocal determination to eradicate racism, promote good race relations, and further the goals of the International Convention on the Elimination of All Forms of Racial Discrimination.

B. GENERAL LEGAL FRAMEWORK

The basic legal mechanism by which Ontario's policies on race relations are translated into enforceable legal rights and binding legal obligations is the Ontario Human Rights Code. In addition, although Ontario does not have the jurisdiction to enact criminal law, it has been able to further its race relations policies through its enforcement of the criminal laws enacted by the federal government.

(1) The Ontario Human Rights Code¹

The Ontario Human Rights Code draws its philosophical inspiration from the United Nations Universal Declaration of Human Rights. It asserts that it is public policy in Ontario "to recognize the dignity and worth of every person, and to provide for special rights and opportunities without discrimination that is contrary to law."

(a) On-going Activities

The Code enables the Ontario Human Rights Commission and its staff to carry out its obligations and responsibilities through the following programs.

-
1. Copies of the Ontario Human Rights Code are being forwarded to the Secretary-General of the United Nations for use by the members of the Committee on the Elimination of Racial Discrimination.

Conciliation and Compliance

a process of investigation, conciliation, settlement, and determination of complaints filed under the provisions of the Code;

Race Relations

conducts programs designed to prevent and resolve racial, ethnic and religious tensions and frictions; examines and resolves complaints arising from grievances of groups, based on race, creed and nationality; works with major institutional sectors to mediate conflicts and prevent their occurrence;

Public Education

the development and implementation of educational programs aimed at reducing and eliminating discriminatory attitudes and practices and promoting an acceptance of the principles of the Code;

Research

various projects monitor patterns of prejudice and discrimination on a local and provincial level and provide new information as a background for Commission policy formulation and public education.

(b) Provisions of the Ontario Human Rights Code

The Code prohibits discrimination in most areas of public life, including the display of signs and notices, the provision of services, goods and facilities, accommodation, employment, contracts, membership in vocational associations and trade unions. The grounds on which discrimination is prohibited include race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, sex, handicap, age (18-65 years in employment; 18 years and over in all other areas), marital status, family status, receipt of public assistance (in accommodation only), and record of offences (in employment only). Harassment because of any ground is also prohibited, as are sexual solicitations and advances. Among the important advances in the new Human Rights Code is a provision prohibiting seemingly neutral treatment which has the effect of excluding a group based on any of the grounds of discrimination. Thus requirements like those pertaining to height and weight, which can exclude most members of some racial or ethnic groups, are now clearly under the provisions of the Code. As well, the extension of the Code to cover contracts, such as those governing the buying and selling of real estate, or obtaining credit or loans from provincially regulated financial institutions, marks an important extension of the law. Prohibitions of racial harassment in

accommodation and employment, and the primacy of the Human Rights Code over all other provincial legislation are noteworthy advances.

(c) Enforcement

The majority of cases are resolved by conciliation. All cases that cannot be settled are referred to the Commission for its consideration of what further action, if any, ought to be taken.

Based upon their review and evaluation of the evidence, the Commissioners will request the Minister of Labour to appoint or not to appoint a board of inquiry. Under the new Code, the Minister must appoint a board of inquiry if requested to do so by the Commissioners.

If a board of inquiry is not appointed, the parties will be advised in writing of the reason for this decision.

A board of inquiry is a quasi-judicial hearing that operates in accordance with the Statutory Powers Procedures Act.

The board, sitting in public, will hear testimony given under oath and make a finding, based on the evidence, of whether or not the Code has been contravened. If the board finds that there has been no contravention, the case will be dismissed. If the finding is that there has been a contravention of the Code, a board order may be issued to provide remedy for the complainant and ensure full compliance with the Code.

Any party may appeal the decision or order of the board to the Supreme Court of Ontario.

A person who infringes the rights of another under the Code, obstructs an investigation or contravenes a Board of Inquiry order may be prosecuted with the consent of the Attorney General. On conviction, such a person may be fined up to \$25,000.

(d) Demographic Characteristics

Attached is information on the racial and ethnic breakdown of persons who seek the services of the Commission (see Annex II).

(2) Criminal Code Enforcement

The Honourable R. Roy McMurtry, Attorney General, has taken a number of steps to ensure that the criminal law responds appropriately to racially-motivated criminal offences. In 1976, Mr. McMurtry issued a directive to all prosecutors in Ontario instructing them to seek more severe sentences in cases where offences were motivated by racism.

That directive was followed in 1977 with an appeal to the Court

of Appeal from the decision of a trial judge who had declined to impose a more severe sentence for a racially motivated offence. The Court of Appeal for Ontario, the highest court in the province, accepted the Attorney General's arguments, and ruled as follows:

"It is a fundamental principle of our society that every member must respect the dignity, privacy and person of the other. Crimes of violence increase when respect for the rights of others decreases, and, in that manner, assaults such as occurred in this case attack the very fabric of our society. Parliament's concern for the incitement of racial hatred is reflected in s. 281 of the Criminal Code. An assault which is racially motivated renders the offence more heinous. Such assaults, unfortunately, invite imitation and repetition by others and incite retaliation. The danger is even greater in a multicultural, pluralistic urban society. The sentence imposed must be one which expresses the public abhorrence for such conduct and their refusal to countenance it."

That judgement is binding on, and must be followed by all courts in Ontario. As well, it is entitled to strong persuasive weight in all other provinces in Canada.

Following this important judgment, a mechanism was established whereby officers of the Human Rights Commission would contact a lawyer on the staff of the Ministry of the Attorney General when racially motivated offences occurred. These contacts would lead to that lawyer intervening with the local prosecutor's office, to ensure that the racial dimension was known to the prosecutor. As well, contacts could be arranged between the Commission and local prosecutors to assist victims communicate the often difficult facts of a racial incident.

This same contact mechanism has also been available to assist when individuals felt that their race had led to their being inappropriately charged with a criminal offence. The lawyer in the Attorney General's office would bring the allegations to the attention of the prosecutor, who would then take appropriate steps to ensure that the prosecution was justified.

In addition to this formal linkage between the Human Rights Commission and the Ministry of the Attorney General, the Attorney General established in 1979 an advice service for the victims of racially motivated offences. This service was established on the advice of minority group members who felt that on some occasions the police were failing to lay criminal charges against individuals who committed criminal offences against members of visible minorities. As well, it was felt that the general limitations on police powers under the Criminal Code were

sometimes misinterpreted as an unwillingness of the police to act against some racially motivated offences.

The advice service, staffed by lawyers in the Ministry of the Attorney General, assists victims of racially motivated offences who wish to proceed with criminal charges after the police have refused to do so. Advice on how to proceed is offered, and as well appointments are made for the victim with the judicial officers who have the discretion to decide whether criminal charges can be proceeded with. Further, if an affirmative decision is made by the judicial officer, the service will arrange to have public prosecutor meet with the victim to decide if the Attorney General, rather than the victim, should conduct the prosecution.

In the area of hate literature, which the Criminal Code bans, the Attorney General has also established a policy of vigilant enforcement. A team of senior lawyers reviews all suspected hate literature submitted to the Attorney General by the public, the Human Rights Commission, or the police. Formal opinions are prepared on whether the literature in question breaches the Criminal Code. The Attorney General has made it clear that if the Code is breached and if the distributor of the literature can be found, prosecutions will be launched.

Perhaps because of this clear public stance, very little hate literature is found in Ontario. That which is found almost invariably comes from outside of Canada, and has been distributed anonymously. Accordingly, while prosecutions under the hate literature provisions of the Criminal Code are rare, that literature can be said to be under control in Ontario.

An example of the application of the criminal law to defend against racism is found in the response to the activities of the Ku Klux Klan which resurfaced in Ontario during the period covered by the Report. Strong public statements condemning the Klan as racist, as a rag-tag band of social misfits, and as completely unwelcome, were made by the Attorney General and a variety of other public officials throughout Ontario. Literature produced by the Klan was carefully monitored, as were the activities of the members.

No special laws were invoked to deal with the Klan, but criminal charges have been laid against its members and leaders for a variety of illegal acts. These range from mischief to property by painting slogans, through conspiracy to overthrow the government of Dominica, to recently-laid conspiracy to murder charges. This approach, coupled with widespread public abhorrence of the Klan, has ensured that it has never grown beyond an insignificant fraction of the population.

PART II: INFORMATION IN RELATION TO THE ARTICLES IN PART I

ARTICLE 2

A. LEGISLATIVE, JUDICIAL AND ADMINISTRATIVE MEASURES

(1) Acts and Practices of Racial Discrimination

On June 15, 1982, the Human Rights Code, 1981 (Statutes of Ontario, 1981, Chapter 53) was proclaimed as law. This represents the first comprehensive review of the Human Rights Code since its passage in 1962.

The new Code contains many additional provisions that protect the rights of racial minorities, including the following:

- (a) The grounds of coverage are race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, sex, age, marital status, family status, handicap, receipt of public assistance (in housing only) and record of offences (in employment only).
- (b) Equal enjoyment without discrimination of goods, services and facilities is guaranteed.
- (c) Right to contract on equal terms is guaranteed.
- (d) Discrimination because of a person's association with a person identified by a prohibited ground is prohibited.
- (e) Practices that are not discriminatory on their face but which have adverse impact upon a protected group are prohibited.
- (f) Harassment of an employee by the employer or another employee because of a prohibited ground is prohibited.
- (g) Harassment of an occupant of accommodation by the landlord, the landlord's agent, or another occupant because of a prohibited ground is prohibited.
- (h) Discrimination in employment against domestic workers in private households is prohibited.
- (i) The Code is binding on the Crown and has primacy over other legislation.
- (j) The Code provides for additional sanctions against discrimination in employment by contractors under government contracts.
- (k) The Commission may recommend the introduction and implementation of affirmative action programs.

- (1) The functions of the Commission have been expanded to include statutory reference to the establishment of the Race Relations Division, composed of a commissioner and two members. The Division, established in 1979, has the statutory authority to inquire into conditions leading to conflict or tension based on race, colour, ethnic origin or creed, and to alleviate such problems through its own programs or by assisting community groups or agencies in their mediation and preventative activities.
- (m) The Commission may review any statute, regulation or program established under a statute. Following this review, the Commission may make recommendations on any provision, program or policy that is inconsistent with the spirit of the Code.

(2) Conciliation and Compliance

During the period under review, a total of 2,422 complaints alleging violations of the Code were resolved. Of these, 1,277 involved allegations of discrimination because of race, colour, nationality, ancestry or place of origin. Such complaints have comprised 53 per cent of the total caseload over the three-year period.

If a finding of discrimination is made, the aim of settlement is to restore the complainant to the position that he or she would have been in had the discriminatory act not occurred. In addition, the terms of settlement are designed to prevent future acts of discrimination. Therefore, settlements can also include changes to recruitment, hiring, personnel, rental and business practices, consideration of an application for employment or housing accommodation on its merits, with the employer or landlord notifying the Commission in the event of a future vacancy, and affirmative action.

A comparison of complaints over the period 1974-79 shows a marked increase in complaints based on race and colour. These complaints totalled 36 per cent in 1974-75, and increased to 56 per cent in 1978-79. In 1980-81 and 1981-82, the percentages were 45 and 42 respectively.

The high percentage of race and colour complaints shown in Commission statistics over time reveals that visible characteristics such as colour have always been salient in a decision to discriminate. There is a growing tendency in a period of high unemployment and a tight economy for differential treatment to be based on physical attributes, and for stereotyping and prejudice to be applied to members of non-white minority groups. Physical and distinguishable characteristics possess a dynamic of their own in determining the attitudinal and behavioural responses of the respondent group. This phenomenon is not evident in complaints based solely on nationality,

ancestry or place of origin. Such complaints total approximately 13 per cent of caseload.

Most complaints of discrimination in employment because of race and colour allege denial of employment, or dismissal. A growing number of complaints cite discriminatory terms and conditions of employment and many of these allege racial name calling and harassment of visible minorities in the work place by co-workers or supervisors. If the employer has had knowledge of such conduct, but has not taken concrete steps to prevent it, the employer, as well as the offender, may be considered to be liable under the Code. In such circumstances, the employer may be obliged to remove the cause of the discriminatory working conditions and to establish and monitor a prohibition against such humiliating conduct or language. When in receipt of complaints of this type, the Commission seeks to engage the employer and employees in a human rights seminar and in consultations designed to identify the sources of racial tension, and develop strategies to prevent further occurrences. If there is a union or employment organization, it is also urged to participate in the design of these strategies.

(3) Review of Statutes and Programs

In January of 1982, the Government of Ontario directed that all Ministries in Ontario review their statutes, regulations, policies and procedures in light of the standards established by the new Human Rights Code. This review was then conducted in conjunction with similar review in light of the standards of the Canadian Charter of Rights and Freedoms. By the end of June 1982, Ministries had filed reports with the Attorney General on these matters, highlighting areas of difficulty and proposing solutions.

It is the policy of the Government of Ontario that in all but the most exceptional cases, laws and policies are to be brought into line with the Charter and the Code. It is expected that legislative measures aimed at this objective will commence this year, well in advance of June 15, 1984 when the Human Rights Code achieves primacy over all Ontario legislation. At that time, legislation inconsistent with the Code will become, to the extent of the inconsistency, null and void. This is subject only to express statutory provisions in particular statutes opting out of the Code.

In the meantime, the Human Rights Commission has itself been given an explicit duty to review legislation against the standards of the Human Rights Code. Section 28(e) of the new Code reads as follows:

28. It is the function of the Commission,...

(e) to examine and review any statute or regulation,

and any program or policy made by or under a statute and make recommendations on any provision, program or policy, that in its opinion, is inconsistent with the intent of this Act;

Although the Commission has not yet had the opportunity to apply these provisions, it has in the past pointed out to various Ministries certain discriminatory aspects of the laws they administer.

(4) Enforcement

A total of 71 boards of inquiry completed their hearings into allegations of discrimination in the relevant time period. Of these, 21 involved allegations of discrimination because of race or colour. In twelve of these, a finding of unlawful discrimination was made, and remedies and other settlements were ordered, both to compensate the complainants and to establish measures to prevent future discriminatory practices. A further 60 per cent of cases disposed of are settled in conciliation.

Following are summaries of two recent board of inquiry decisions.

Loconte and Blake (1980)

Mrs. Blake, a black female immigrant from Jamaica, an active partner in a hairstyling business, leased her premises from Mr. Loconte through a third party. Mrs. Blake and Mr. Loconte had not met during the first month of Mrs. Blake's tenancy.

One month after the lease had been signed, Mr. Loconte visited the salon, and met Mrs. Blake for the first time. Mrs. Blake alleged that when Mr. Loconte met her face to face, he behaved abruptly and rudely toward her. She further alleged that the respondent attempted to harass her by putting the premises up for sale and showing the building at inconvenient times. Mrs. Blake then alleged that Mr. Loconte demanded an increase in her rent from \$300 a month to \$675 a month, because he did not want her to renew her lease.

Mrs. Blake believed that these allegations were in contravention of section 3(1)(a) and/or 3(1)(b) of the Code, which prohibit discrimination with respect to the occupancy of any commercial unit because of race, colour, ancestry or place of origin. A board of inquiry was appointed.

There was a finding that the respondent had discriminated against Mrs. Blake in his words and conduct toward her because of her race, colour, ancestry and place of origin, in contravention of section 3(1)(b) of the Code. The board ordered the following terms of settlement:

- An award of \$800 in general damages for the injury to Mrs. Blake's feelings and dignity.

- Payment of \$209.80 in compensation for expenses incurred by Mrs. Blake because of discrimination.
- Payment of \$1,200 in compensation for the amount of \$50 rental in excess of the market value, for the period of 24 months on the lease.
- A continuing rental of \$550 per month for the balance of the renewed lease.

F.W. Woolworth Co. Ltd. and Dhillon (1982)

A board of inquiry heard the complaint of Mr. Dhillon, a Canadian immigrant from India, who alleged discriminatory terms and conditions in, and dismissal from employment because of his race, colour and nationality. The board found that the company's non-white warehouse employees experienced a severe problem of verbal racial abuse from the white workers, and that the management, which had been made aware of the growing problem, had neglected their duty to provide a working atmosphere free from such abuse. By way of remedy, the board ordered that the man be awarded monetary compensation for insult to his dignity and that a committee be formed to include company management, employees and a member of the Commission's staff, to assess and make recommendations on how to improve race relations at the workplace. The board retained jurisdiction over the case for a six-month period following the decision to give the employer and the Commission an opportunity to redress racial tension in the company.

(5) Race Relations

The Race Relations Division of the Human Rights Commission is charged with the task of examining the current needs and priorities of the Commission in all areas of discrimination, with particular reference to the building of a new climate of mutual respect and understanding for all Ontario residents, of whatever racial, ethnic or religious background. The division and staff actively design race relations programming in the areas of police, industry, education, religious institutions, labour, media and other important institutional sectors.

In 1979, the direction of this Division and its 15 staff members evolved to the point where a greater proportion of staff hours came to be spent on major projects that have a broader impact on improving relations between racial, ethnic and religious minorities and the larger society.

B. MEASURES TO ENSURE PROTECTION AND EQUALITY OF RACIAL GROUPS

(a) STRUCTURES

The fall of 1979 witnessed the implementation of three major

government initiatives in the race relations field, each designed to respond more effectively to the growing number of issues that have arisen in this sensitive area. They are as follows:

(1) Commissioner for Race Relations

Dr. Bhausahab Ubale, a Commissioner with the Ontario Human Rights Commission, was appointed as the first Commissioner for Race Relations for the Province of Ontario. His mandate is to focus upon the private sector and the concomitant race relations issues that arise within that area.

(2) Race Relations Division

To augment the Commission's present program in this area and to assist the Commissioner for Race Relations, a Race Relations Division within the Ontario Human Rights Commission was established. The Division's responsibilities are to implement policies and programs designed to improve the race relations climate, to remove discriminatory practices based on race, and to reduce racial conflicts and tensions when they arise.

(3) Cabinet Committee on Race Relations

As noted above, the Cabinet Committee demonstrates a commitment at the highest government level to the eradication of racism and the development of harmonious race relations. The Cabinet Committee has a mandate to develop and direct all of the government's activities in the field of race relations. It therefore deals with public sector race relations programs, while the Race Relations Division of the Human Rights Commission deals with private sector programs.

(b) EXAMPLES OF THE COMMISSION'S RACE RELATIONS ACTIVITIES

(1) Law Enforcement Agencies

The Commission continued its liaison with various police departments throughout the province. Although most activity during 1979-80 involved the establishment of police in-service training or refresher courses on race relations with many police forces, the Commission also consulted with various police departments on specific issues involving hate literature distribution and its control, as well as preventive policing in such areas as racial assaults and acts of vandalism against small shops and private property owned by South Asian residents.

In 1979, the Race Relations Division consulted extensively with representatives of the Ontario Police Commission on the topic of police training in race relations. They also canvassed various law enforcement, human rights and race relations agencies in Canada and other parts of the world to determine the nature and effectiveness of police training programs in other jurisdictions.

As a result of the consultations, it was decided that a task group composed of community, academic, and law enforcement representatives should be struck in order to examine the status of police training in Ontario with a particular view to developing appropriate guidelines for race relations training. Such guidelines would assist in standardizing training in this field and would aid police departments throughout the province in providing necessary training at the recruitment and in-service levels for all their members.

In order to meet the need for having a uniform race relations training course for members of the police forces in Ontario, a working committee to plan a coordinated training program was established in 1981 between the Ontario Police Commission and the Race Relations Division. In early 1982, the Division co-sponsored with the Ontario Police Commission a police training workshop at the Ontario Police College in Aylmer. Representatives from various police forces attended. }

Participants examined the workshop package prepared by the Division, summarizing and analysing the police training programs of many jurisdictions within and outside Canada, including the United States, Britain, Australia, New Zealand, and the Netherlands. The workshops attempted to reach agreement among the participants about the course content of the race relations syllabus adopted by Ontario police forces. Also discussed were the various methods of delivery and the resources available to implement the program.

As a follow-up to the Aylmer meeting, a committee of police representatives from fifteen police forces in the province, the Ontario Police Commission and the Human Rights Commission was set up to deal with the production of new race relations training resource material for the police. This need was identified during the workshop review of various race relations course content. The Race Relations Division will be providing whatever assistance it can give to the committee, and will continue to work in the coming year to further strengthen formal and informal liaison between police and minority groups.

In addition, the Commission has been assisting both the police and the minority community through its participation on various experimental police-community relations committees. These organizations have been established in strategic locations in Southern Ontario, with the objective of bridging breakdowns in communications occurring from time to time between specific minority group communities and various law enforcement agencies throughout the province.

The major areas of focus, police-minority relations and police training in race relations, dominated the Race Relations Division's activity during 1981-82.

In Kenora, Ontario, the Division worked to improve relations between Native people and the authorities and thus to reduce the potential for racial conflict. In addition, the Northern Regional staff of the Commission are examining ways and means of improving the police-Native relations climate through an assessment of existing programs in order to identify program gaps and strengthen Commission, agency and community response in this area.

(2) Labour, Businesses and Industry

The Commission staff regularly held meetings with district labour councils and local unions to provide consultation on equality of opportunity for minority and women members, and to suggest programs to reduce tensions at the workplace and educate employees, foremen and supervisors about the provisions and principles of the Code.

The Commission assisted many employers to design and develop mechanisms to eliminate and prevent racial harassment and derogatory name-calling at the workplace. Many of these problems involved negative reactions to racial and ethnic differences among employees, to which the Commission responded by analysing the source of the conflict and proposing appropriate solutions that would reduce its recurrence. Some examples follow:

When racial tensions developed among employees of a large paper manufacturing plant in Southwestern Ontario, the Commission staff met with plant personnel, management, and the union in order to assess the situation. After a survey of the workplace, the Commission proposed several courses of action designed to reduce racial tensions in the plant. In addition to conducting an all-day seminar with senior management and front-line supervisors on the subject of race relations, the Commission assisted management in drawing up company policy and procedures regarding racial incidents in the workplace.

When problems of a similar dimension developed in a large warehouse in a Toronto suburb, the Commission's consultation services were called upon by management. An intensive review of personnel policies and practices was conducted. The Commission made several recommendations to management concerning personnel hiring policy and promotion practices and other phases of the employment relationship, including staff development needs in the race relations area. Staff of the Commission and the company's personnel director are currently working on the implementation of the recommendations.

When racial conflicts between supervisors and workers, and among workers of different racial backgrounds, in a major downtown Toronto hotel developed, the Commission's staff

were successfully able to resolve the problems that had developed through a series of small group sessions with the staff to explore the problems. Concerns that had previously developed were brought up for discussion through the informal sessions, and solutions were developed to reduce these conflicts. Special training was also given in areas where conflicts required more long-term solutions.

In cooperation with the Consultative Committee of Religious Leaders, the Race Relations Division helped to develop a pilot "experience '81" summer youth employment program designed to assist inner-city youth, aged 16-19 living in a multi-racial community, to obtain the necessary job skills for future long-term employment. The eight-week program was funded by the Ministry of Labour, co-sponsored by the Christian Leadership Council and endorsed by the Downtown Business Council.

The success of the youth summer project led to an expansion of the program for the summer of 1982 - again with the assistance and cooperation of local community and business groups, the Ontario Youth Secretariat, and the Ontario Manpower Commission. In addition to the downtown inner-city program, the project has been expanded to include the City of North York and widened to provide summer employment for over 100 youths.

In 1982, the Division participated on the Conference Planning Committee of the Social Planning Council of Metropolitan Toronto, which was responsible for the organization of a major conference entitled "Racial and Ethnic Minorities in the Workplace". The conference brought representatives of business, labour and the minority community together so that they might solve common problems in race and ethnic relations.

(3) Community Relations

The Commission staff continued to provide its consultation services on both a long and short term basis to such organizations as the Metro Toronto Children's Aid Society and various human rights and race relations organizations throughout every part of Ontario. These included the Urban Alliance on Race Relations, the London Citizens' Committee on Human Rights, and the Kenora Ad Hoc Committee on Native/Non-Native Relations. As a result of an annual three-day residential seminar series held in Kenora on the subject of Native/Non-Native Relations, which the Commission initially sponsored in 1978, several participants representing diverse fields of endeavour have now formed a network in the city in an effort to improve the race relations climate. Network participants include representatives of health services, law enforcement, education, religious institutions, Native organizations, and municipal government, all of these

being areas where expertise can be shared to improve relations between the Native and non-Native communities.

In order to complement staff initiatives in race relations in the City of North York, the Commission and staff met with the Mayor and proposed a multi-sectored approach to race relations program delivery in his city. In 1980, the Mayor agreed to pilot a proposal that a Mayor's Committee on Race and Ethnic Relations be established, comprised of representatives from religious institutions, educational institutions, municipal council, the police, the Ontario Human Rights Commission and the community.

Commission staff worked with the Mayor's office in establishing the committee, assisting it in identifying its terms of reference, and providing the necessary consultation on specific issues and concerns in the area of race relations. Committee initiatives to date include the development of a municipal policy in support of positive race relations and equal opportunity which has been ratified by the municipal council and several of its boards and commissions.

There is a similar committee chaired by the Mayor of Toronto, to which the Commission lends assistance.

Examples of conflict resolution by Commission staff follow:

When racial conflicts between the Native Indians and non-Native population residing in a subsidized housing unit in Southwestern Ontario developed in 1980, Commission staff were called in to assist in resolving the conflict before it escalated into physical confrontation. Commission staff were able to ascertain that both parties were mistrustful of each other, that little communication was taking place between the two groups, and that each group was to a certain extent blaming the other for the deteriorating housing conditions in the complex. Since the issue of housing conditions was of mutual concern and since both groups agreed on the need to improve relations, they decided that a joint tenants' association should be formed to press for the necessary improvement in housing conditions as well as for improved tenant relations in the complex.

In 1980 when tensions arose between the South-Asian community and their non-South Asian neighbours over parking and littering problems attributed to a large South Asian attendance at an East Indian movie theatre and neighbouring shops and restaurants, the Commission intervened in an effort to resolve the problems and reduce the tension which this situation generated. Commission staff convened meetings of neighbourhood residents, the South Asian merchants, other merchants in the area, the police, school and community representatives, and members of the local municipal council in an effort to arrive at a

satisfactory solution to the problem. Various options were discussed and agreed to by the parties in an effort to solve the most immediate problems of parking and litter, and a communications network was established amongst the residents, the South Asian merchants and the municipal council in order that future problems would not develop but instead be resolved through established channels.

Through its participation in the Housing Sub-committee of the Staff Working Group of the Cabinet Committee on Race Relations, the Race Relations Division continues to assist the Ministry of Housing and Municipal Affairs to develop race relations policies and programs to improve the race relations climate in that sector.

The Race Relations Commissioner and staff hold meetings with housing officials, tenant organizations and service agencies in especially troubled neighbourhoods where community agencies and groups have articulated race relations concerns. The parties concerned then develop appropriate remedial programs and strategies.

The Division, through its Community Relations Team, convened a major consultation with the staff of the Metropolitan Toronto Housing Authority in 1981, with the aim of establishing links with that agency in order to share information on racial conflicts and tensions which might arise within MTHA projects or units. The Division continued to work cooperatively to improve the race relations climate within the projects or units.

(4) Outreach to Religious Institutions

In March of 1980, the Race Relations Division convened a meeting of more than 35 representatives of Christian and Jewish religious institutions. This consultation was the first major Commission initiative to enlist the support and leadership of this important sector of Ontario society in the task of fostering harmonious race relations at the community level. Participants came prepared to design and develop practical action plans for their constituencies. Self-examination and careful review of the role of religious institutions assisted them in charting a new direction for cooperative work.

As a result of this consultation it was agreed by the participants that greater efforts would have to be taken by all religious institutions. A working coalition was struck to prepare a Statement of Concern and Strategy, and to harness the support of the Ontario religious community to respond to this challenge by offering concrete proposals to counteract racism in the province.

ARTICLE 4

A. LEGISLATIVE, JUDICIAL, ADMINISTRATIVE AND OTHER MEASURES

Most of Ontario's activities in this regard are discussed above in the section dealing with Article 2, under the heading Criminal Code Enforcement. That discussion will not be repeated here; it is sufficient to reiterate Ontario's clear commitment to vigorous enforcement of laws applying to racial hatred, and to the creative development of legal principles to deal with the evils of racially motivated criminal offences. As is pointed out above, the Ontario approach, which focuses on the articulation of clear public policy and efficient enforcement of laws of general application, has proved highly successful in preventing racist groups from establishing a base of support in Ontario.

The new Human Rights Code enacts a prohibition against the publishing or displaying before the public of any notice, sign, symbol, emblem or other similar representation that indicates an intention to discriminate on the basis of race, colour, ancestry or place of origin or ethnic origin or that is intended to incite discrimination on any of those grounds. Consistent with the principles of the Universal Declaration of Human Rights, this prohibition is expressly stated to not interfere with freedom of expression or opinion. The prohibition on this kind of activity can be enforced either through the Human Rights Commission or by a prosecution in the courts.

Public authorities and public institutions do not incite discrimination in Ontario, and would not be permitted to do so. Such conduct would breach clear public policy in Ontario, and would likely be caught by the provisions of the Human Rights Code.

B. MEASURES CONCERNING GENERAL RECOMMENDATION I OF FEBRUARY 24, 1972

The Government of Ontario, through the Cabinet Committee on Race Relations, has under review the question of whether additional legislative measures are necessary in Ontario.

C. RESPONSE TO DECISION 3 (VII) OF MAY 4, 1973

The relevant provisions are found in articles 12 and 43 of the new Ontario Human Rights Code. Ontario understands that the federal government has submitted the relevant Criminal Code provisions with a previous report; Ontario's enforcement activities, and its successful efforts to develop the law to apply to racially motivated offences, are outlined above.

ARTICLE 5

Measures taken to prohibit racial discrimination in all its

forms have been discussed in detail above. As far as guarantees of equality before the law without discrimination because of race, colour, descent or national or ethnic origins are concerned, it is sufficient to refer to the provisions of section 1 of the new Ontario Human Rights Code and to sections 3, 6, 7, 8, 9, 10, 11, 12, 14 and 15 of the Canadian Charter of Rights and Freedoms.

Through these provisions all of the aspects of equality before the law in Article 5 of the Convention are guaranteed to all individuals in Ontario.

ARTICLE 6

The provisions of the Ontario Human Rights Code that prohibit discrimination on the ground of race, and other grounds are available to all residents of Ontario, and apply to all employers and business persons within provincial jurisdiction.

The mechanism through which any person may pursue a complaint under the Code are detailed above, in Part I, and Part II, Article 2.

ARTICLE 7

A, B, C MEASURES IN THE FIELDS OF EDUCATION, CULTURE AND INFORMATION TO COMBAT PREJUDICE AND PROMOTE UNDERSTANDING

1. EDUCATION

(i) Ministry of Education Activities

(a) Multiculturalism

The main components of the Ministry of Education's "Action Plan for Education in a Multicultural Society" have been implemented. In order to evaluate the influence of Ministry multicultural policies at the school board level, a provincial review on multicultural education was initiated in 1979 and continued throughout 1980.

In 1980, the multicultural/multiracial program for secondary school students became a part of the Ministry's leadership program; resource materials for the multicultural concept were identified, and a calendar for schools, called Celebrations of Our Multicultural Society was prepared and published by the Ministry for the International Year of the Child.

(b) Heritage Languages Program

Classes in heritage languages continued to receive support from the large number of parent groups involved in the program. Changes in funding ensured that all students in Ontario whose

parents supported the objectives of the program could benefit from classes provided by school boards.

The Heritage Languages Program in elementary schools had grown by 1981 to include over three thousand classes in forty-four different languages through fifty-one participating school boards.

(c) Native Peoples' Education

Early in 1980, the French version of "People of Native Ancestry for the Intermediate Division" was produced and distributed. This brings to three the number of documents in the series.

Through the teacher education program offered by the University of Western Ontario, thirty Native students obtained basic teacher qualifications in 1979.

The third session of the Native Counsellors' Training Program, sponsored jointly by the Ministry of Education and the federal Department of Indian Affairs and Northern Development, was offered at Laurentian University during the summers of 1979 and 1980. This program was designed to assist Native social counsellors to develop more effective counselling skills, knowledge, and experience directly related to the practice of counselling Native students. Twenty persons graduated in 1979.

The utilization of the curricular materials, "People of Native Ancestry" and "Touch a Child", continued over the period. As well, the Senior Division curriculum guidelines, "People of Native Ancestry", was completed.

A program for the education of Native teachers was offered at Lakehead University to increase the number of qualified Native teachers in Northwestern Ontario through an alternative program that prepared them to meet the special social and cultural needs of Native communities. Thirty-one Native people obtained teacher certification through the program.

A joint effort by the Ministry of Education, the Ministry of Community and Social Services, and the Lakehead Board of Education has resulted in a program for the development of support services to meet the needs of students from outlying areas who obtain their schooling in Thunder Bay. Many of these students are of Native origin. This program has been in operation since 1974 and has proven successful.

(d) Committee to Prepare Guidelines to Avoid Bias and Prejudice in Learning Materials

This committee was formed in September 1977 to develop suggestions that would help authors and publishers to avoid racial, religious, and cultural bias, prejudice, stereotypes, and

misinformation when preparing learning materials for use in Ontario schools. Represented on the committee were the Association of Canadian Publishers, the Black Liaison Committee, the Board of Education for the City of Toronto, the Canadian Book Publishers' Council, the Canadian Council of Christians and Jews, the Canadian Society of Muslims, the Council of Muslim Communities of Canada, the Ontario Advisory Council on Multiculturalism, the Ontario Human Rights Commission, the Ontario Teachers' Federation, the Sikh Community in Toronto, the Urban Alliance on Race Relations, and the Ontario Ministry of Education.

In 1980, the Ministry published a booklet entitled "Race, Religion, and Culture in Ontario School Materials". It was distributed to publishers, media, producers, directors of education, coordinators, consultants, faculties of education, and the departments of education in the other provinces. It is being distributed on a continuing basis to evaluators of textbooks, and to multicultural associations. The reaction to this booklet has been positive.

(e) Special Projects

Educational Exchange Program

The Educational Exchange Program provides financial assistance for groups of students who wish to undertake reciprocal exchange projects and activities with students in other provinces or countries.

Some 150 groups of Ontario elementary and secondary school students participating in educational and cultural exchanges were supported by the Educational Exchange Program during each year. The popularity of this program is the result of the continuing emphasis on, and special funding for, exchanges directly connected with French as a second language and French as a minority language.

International Educator Exchange Programs

Under an Educator Exchange program with France, a group of eight second-language teachers on exchange from France taught French in Ontario schools, while eight Ontario teachers of French as a second language taught English in French schools, during each year.

Under an Educator Exchange program with West Germany, two Ontario teachers taught in that country and two teachers from West Germany taught in Ontario schools, during the year.

In 1979, nineteen Ontario teachers and four Ontario vice-principals travelled to the United Kingdom and seventeen Ontario teachers travelled to the United States, under Educator

Exchange programs coordinated by the League for the Exchange of Commonwealth Teachers and the U.S. Office of Education, respectively. These programs are conducted every year.

During 1980-81, twenty-six Ontario teachers and one Ontario vice-principal travelled to the United Kingdom and ten Ontario teachers travelled to the United States under educator exchange programs coordinated by the Canadian Education Association, the League for the Exchange of Commonwealth Teachers, and the U.S. Office of Education.

There were also 50 Australian teachers and two Australian education officials on exchange in Ontario and an equivalent number of Ontario teachers and officials located in Australia during each year.

During 1979-80, the Ministry arranged for an Educator Exchange program between Ontario and Belgium. Negotiations continued for exchanges of teachers with Austria, the Caribbean countries, Israel, Japan, Luxembourg, New Zealand, Portugal, Mexico and Greece.

Canadian Studies Seminars for Educators from Western Europe

Each summer the Ministry organizes several two-week seminars in Canadian studies for educators from Western Europe. These programs are offered in reciprocation for seminars that are open to Ontario educators in five European countries.

Candidates pay a nominal course fee; the Ministry provides the staff and program organization; and the federal Department of External Affairs provides a generous living-allowance subsidy. The academic and cultural program includes lectures designed to give visiting educators an overview of Canada and our education system, numerous cultural excursions, and contacts with Ontario educators.

Interprovincial Second-Language Monitor Program

This federal-provincial program is designed to encourage bilingual post-secondary students who are attending a university or college in a province or area where their mother tongue is the second language to act as second-language teaching monitors to teachers of French or English as a second language.

Some 300 students at seventeen Ontario universities and community colleges are paid \$3,000 each to act as monitors in the schools of twenty-seven Ontario boards. The students usually work with small conversation groups.

Of the 289 students, approximately 264 are French-speaking post-secondary students from across Canada who work with English-speaking students studying French as a second language.

Thirty-one of the monitors are English-speaking university students from various parts of Canada who are helping French-speaking students with their study of the English language.

Student Exchange

Some 5,330 elementary and secondary students participated in educational and cultural exchanges directly connected with French as a second language and French as a minority language. These exchanges were with students in Ontario and in other provinces and countries. A total of one hundred secondary school students spent three months attending school in West Germany, and thirty visited France for the same period. A two-month exchange was initiated for another thirty students in the French-speaking canton of Geneva, Switzerland. A pilot program was established with Italy for the exchange of twenty-five students, commencing in September 1981. Under the terms of the exchanges the foreign students live in the homes of their Ontario partners and attend Ontario schools. The Ontario students return to their foreign partners' homes later in the year and attend the foreign schools.

Project Canada

This national program - initiated, financed and administered by the Ministry of Education - is conducted in cooperation with the ministries of education of the other provinces (Québec excepted) and of the Northern Territories, and provides young people with the opportunity to develop a sense of national pride. Through the exchange of correspondence and classroom projects, as well as student-exchange visits, Ontario students gain a broader understanding of the multicultural character of Canada. There has recently been a noticeable increase in the number of teachers using Project Canada to develop their students' second-language skills.

Project School-to-School

This school twinning program, originally launched in 1968, continued to offer Ontario students an opportunity, through correspondence with their twinned schools, to gain first hand knowledge about life in the West Indies. This program has also done much to develop cooperation and understanding among young people from different racial backgrounds.

German-Language Immersion Program

The Ministry cooperates with the West German government and the Goethe Institute in Toronto to provide a one-month German-language immersion course for twenty-five Ontario high school students in Lahr, West Germany.

Learning Materials Development Plan and French-Language Fund

The Learning Materials Development Plan and the French-Language Fund (Learning Materials) continued to provide funding to publishers, media producers, non-profit organizations, and individuals for the development and production of needed Canadian learning materials in the English and French languages.

To date, many different types of learning materials (books, kits, films, sound filmstrips, monographs, records, and an atlas for partially sighted children) have been produced in such diverse subject areas as the arts, special education, Canadian studies, multiculturalism, technological and business education, education of and about Native peoples, values, French as a first or second language, women's studies, Franco-Ontarian heritage, social studies, law and mathematics.

Educational Institutions and the Race Relations Climate

The Ontario Human Rights Commission maintains ongoing liaison with the Ministry of Education in such issues as teacher training, textbook bias, curriculum development and student leadership on the subject of race and ethnic relations and multiculturalism.

The Commission continued to assist the Ministry of Education to conduct its annual Multi-racial-cultural Student Leadership Camp which was originally co-sponsored by the Ministry and the Commission in 1978. The camp, which provides student leadership in fostering harmonious race and ethnic relations and respect for the multicultural nature of Ontario society, is now part of several local Board of Education school programs and the Commission also assists these boards in their program delivery in this area.

The Commission continued to provide ongoing policy and program development, consultation and assistance to Boards of Education throughout Ontario in addition to providing teacher training workshops. In 1981, the Commission provided guidelines to every Board in Ontario on how to respond effectively to the deleterious efforts of the Ku Klux Klan to recruit high school students to its organization. In January 1982, the Commission sponsored a Race Relations Conference for the Toronto and environs Boards of Education in order to assist them in developing appropriate policies and programs to improve both the school and school-community relations climate within the race relations area.

(ii) Ministry of Citizenship and Culture Activities

The Multiculturalism and Citizenship Division in the Ministry of Citizenship and Culture plays a key role in fostering intergroup

understanding and harmonious relationships within and among the diverse ethno-cultural groups resident in Ontario.

Functions of the Division in the field of Education include:

- Provision of and support for community classes in English or French as a second language for adult immigrants to enable them to communicate effectively within Ontario;
- The development and provision of curriculum materials for the above;
- Community orientation and citizenship preparation classes for adult newcomers and refugees.

2. CULTURE

The Multiculturalism and Citizenship Division of the Ministry of Citizenship and Culture undertakes the following activities:

- Development of a sense of belonging in and commitment to the well-being of Ontario on the part of all residents.
- Encouraging all Ontario residents to participate actively in community life, and providing the information and developing the skills needed to do so.
- Increasing understanding, appreciation and respect among the province's ethnically diverse population.
- Support for cultural heritage retention (exclusive of language) and cultural sharing among different ethno-cultural communities.
- Ensuring that all ethno-cultural groups have equal access to the services of the Ontario Government.
- Support for the social, cultural and economic advancement of Ontario's Native population, i.e. status and non-status Indians plus the Métis.

3. INFORMATION

(i) Activities of the Ontario Human Rights Commission

(a) Public Education

An important component of the Ontario Human Rights Commission's work in the community involves an on-going series of public education programs. These programs attempt to eradicate prejudicial attitudes that generally become the bedrock of

discriminatory acts. The public education specialist analyses the phenomenon of negative stereotyping, whether based on race, ethnic origin, creed, sex or age. To this end, the program includes conferences, lectures, training seminars, workshops, public information campaigns and distribution of publications and audio-visual materials.

A quarterly newspaper, Affirmation, which began publication early in 1980, continued to receive wide acceptance among its circulation of 10,000. It is edited by the Vice-Chairman and features articles on the activities of the Commission, including boards of inquiry, settled cases and mediations in race relations. It also contains profiles of commissioners and community leaders and interpretive articles on human rights issues and concerns.

In 1980, the Commission launched an advertising and public education campaign designed to increase awareness of its programs and to create a climate of mutual respect. The theme of the campaign, as depicted on car cards and posters, is "Together we are Ontario". The cards have been displayed in Toronto Transit Commission vehicles and subway stations, since early 1981.

On June 16, 1982, the Premier and the Commission's Chairman hosted a banquet, attended by over 700 persons who have made significant contributions to human rights in Ontario over the past four decades. The event marked the twentieth anniversary of anti-discrimination legislation in Ontario and in Canada, as well as the proclamation of the new Human Rights Code.

A comprehensive public education campaign was designed to make the public aware of the provisions of the new Code. It was launched in June, and comprises posters, a radio commercial, brochures, films, public speaking engagements and seminars.

The Ontario Federation of Labour launched its race relations campaign entitled "Racism Hurts Everyone" in the fall of 1981. Exercising leadership in this area, the OFL program focused upon a media education and a poster campaign supplemented by the hosting of regional community seminars with the assistance of their local district labour councils. The Commission has been assisting the OFL and the local district labour councils in their program planning during fiscal year 1981-82, and its staff have participated as both resource persons and speakers at these sessions. The forums, which have been well received in the various communities, have generated appreciable awareness of race relations issues and should provide the stimulus for further educational initiatives at the community level.

(b) Media Relations

In 1980, the Commission held discussions with the editors of the major Toronto newspapers to analyse stereotypes in the press and

to review the concerns of various minority groups that some articles and headlines have a negative impact on intergroup relations. The Commission brought with them to these meetings a number of articles which they felt were offensive to the spirit of human rights. The major newspapers expressed their general support of human rights principles and several have instituted measures to ensure fair and balanced reporting standards.

The Commission is aware that the media play an important role in influencing the racial climate. The Commission seeks the media's commitment to cover race relations issues sensitively. One particular newspaper took the initiative in this area by appointing a special staff person responsible for the "community relations" area and by opening lines of communication with the minority community in order to keep abreast of and sensitive to the special concerns that arise.

The Commission played a key role in effectively mediating a dispute that developed between the CTV network and the Chinese community over its "W-5" segment entitled "Campus Giveaway" which was telecast in September 1979. The Chinese Canadian community, predominantly represented by the Ad Hoc Committee of the Council of Chinese Canadians in Ontario Against W-5, was extremely concerned about both the program content and the tone and direction of this television segment.

The issue fell beyond the formal jurisdiction of the Commission because telecommunications are a federal matter. However, the Commission felt, given the community implications involved, that it could play its most effective role, not as an advocate, but as a mediator.

A settlement was arrived at shortly thereafter. Both parties, in their joint statement which incorporated the settlement terms, extended their appreciation to the Commission for the assistance that it rendered.

Statements or viewpoints expressed by certain members of minority group communities have at times been generalized as the viewpoint of the whole community and have at times had a negative impact on race relations. Accordingly, the Division sought to assist the media to broaden their contacts with the various ethnic communities. There was also a need for a greater number of community organizations to take advantage of media coverage to highlight their activities and programs.

In 1982, the Division undertook a joint project with the Urban Alliance on Race Relations, which suggested the production of two handbooks. One, the "Guide to Race Relations Organizations in Metro Toronto", is designed to acquaint the print and broadcast media with the various Metro and area organizations involved in the area of race relations. The second, the "Guide to the Use of the Media", is intended for use by community organizations to

identify appropriate media contacts. It also gives information on how best to utilize the media.

In 1980, the Commission arranged a series of meetings with representatives of the advertising industry to discuss the role of visible minorities in advertising. Many studies have found that visible minorities are under-represented in advertisements and when they are used in ads they are often portrayed in stereotypical roles.

A committee was organized to discuss strategies to resolve the problem. The Commission is advocating that advertising should better reflect our multiracial society and it should portray women and members of visible minorities in the mainstream of life activities.

In 1981, the Commission established a working committee with the Canadian Radio-Television and Telecommunications Commission to examine such issues as visible minority representation in mass media advertising, media coverage of racial issues, particularly as it affects the treatment of hate groups such as the Ku Klux Klan, and racial bias and stereotyping in general programming. The Commission has mailed to all newspaper publishers and presidents of radio and television stations in Ontario, articles that analyse how the Ku Klux Klan manipulates the press to achieve its ends.

(c) Extremist Groups

The Commission continued to respond to and monitor the re-emergence of the Ku Klux Klan and its periodic attempts to recruit members from the high schools and the community during fiscal year 1981-82. Early in 1981, the Ku Klux Klan conducted a recruitment drive in certain centres. The Commission sought to combat such tactics by establishing lines of communication with the various school boards. One particular incident, where a prominent member of the KKK was invited to address a class of high school students, led the Commission and community groups to express their strong disapproval. In response, the North York Board of Education exercised leadership through the development of a policy statement condemning the Ku Klux Klan, and the Board took steps to ensure that such an incident will not be repeated. The Commission provided input to the policy paper on race relations prepared by the Board, by suggesting specific issues and concerns it might consider pursuing in order to improve the race relations climate. The Commission also initiated contact with the Metropolitan Toronto Police in order to better monitor the activities of the Ku Klux Klan and other related white supremacist groups.

In response to a considerable amount of media coverage of Ku Klux Klan affairs, the Commission and the Race Relations Division met with the Canadian Radio-Television and Telecommunications

Commission to discuss the negative effect on the community that can result when extremist groups are accorded uncritical access to the media.

(d) Educational Institutions

The Commission assists school boards in reducing racial or ethnic-related incidents and problems in the schools and in promoting a greater understanding of issues involving prejudice and discrimination. This assistance takes the form of teacher training programs, instruction in methods of dealing with racial incidents, youth leadership projects and school-community relations.

The Commission continued its liaison with the Ministry of Education. Specific cooperative projects included the development of educational resource materials on the subject of human rights and race relations and the preparation of guidelines on bias for the authors and publishers of textbooks.

In addition, the Commission continued to work with various boards of education throughout the province. An example of this activity included the Commission's participation on the Race Relations Committee of the Toronto Board of Education. This committee is monitoring the implementation of the well over 100 recommendations to improve the race relations climate in schools which were approved by the board in 1979. Areas under review include curriculum bias, teacher training in race relations, reducing racial incidents in the classrooms and the school yards, proper placement and assessment of students to ensure that race and ethnicity do not become determining factors, and employment and promotion practices of the board to ensure compliance with the principle of equal employment opportunities.

In Ottawa, Commission staff are assisting the local board of education's multiculturalism committee in its review of the curriculum. In Thunder Bay, staff are working with various teachers in the system to develop seminars for students on prejudice and stereotyping.

When tensions between Jewish and non-Jewish students developed in a southwestern Ontario high school, staff were able successfully to mediate the dispute and the Commission also assisted the administrative staff in the implementation of new educational programs for the students on the issues that originally led to the conflict. When problems occurred between a local school near Windsor and the black community regarding the treatment of black students in the school, the Commission was able to resolve the conflict and establish a liaison between the school's administration and the black community so that immediate action could be taken to resolve past grievances and preventive efforts could be designed to avoid future conflicts.

In 1982, a major initiative was taken to address the broader issue of race relations initiatives in schools when the Commission sponsored a two-day conference entitled "Race Relations ... New Perspectives, New Delivery Systems for Education" in Metropolitan Toronto and environs for race relations practitioners working in the educational area. Issues discussed included the assessment and streaming of students, curriculum, development of programs for students and teachers, school-community relations, and, policy development and implementation as they affect race relations.

(ii) Activities of the Ministry of Citizenship and Culture

Through the Multiculturalism and Citizenship Division, the Ministry has undertaken the following activities:

- Reception services for immigrants and refugees.
- The utilization of more than 1000 volunteers as teachers and day care workers in community classes in English and/or French as a second language to promote community integration and broad citizenship objectives as well as teach language.
- Provided and/or supported community leadership training and organizational development assistance to groups involved in citizenship, intergroup relations, etc.
- The development and distribution of more than 500,000 brief profiles on 65 of the ethno-cultural groups in Ontario. The two largest channels of distribution were schools and public libraries.
- The development or production of neighbourhood intercultural councils, multicultural films, audio-visual aids, and publications, intercultural seminars, etc.
- Cross-cultural training workshops for professionals/volunteers in the community e.g., policemen, teachers, social workers, Red Cross volunteers, community relations staff in publically assisted housing.
- Community development projects in neighbourhoods with a high degree of ethnic and social diversity more likely to experience intergroup tensions because of low levels of education, income, employment, and family stability.
- Cost shared or matched many grants to individual ethno-cultural groups to support the preservation of their cultures. In addition the Division made two grants totaling 3.4 million over 6 years to the Multicultural

History Society of Ontario. The latter collects and sorts data for deposit in Ontario's Archives, organizes conferences, seminars, and displays, etc.

- Worked cooperatively with other ministries in the Ontario Government on the development of program service delivery mechanisms and communications to meet the needs of a multicultural population.
- The production and distribution of a comprehensive guide to community services in 13 languages for use by newcomers and those working with newcomers.
- Made about 2 million dollars per year in grants to support Native organizations and community development projects involving Native peoples.
- Established a special unit to support the reception settlement and orientation of more than 30,000 South Asian refugees in Ontario. This unit now is being wound down as programs are integrated into regular services.

ANNEX I



GOVERNMENT OF ONTARIO POLICY STATEMENT ON RACE RELATIONS

The Government of Ontario believes that the primary responsibility for creating a society of equals lies with each and every citizen. It also recognizes the importance of decisive and articulate public leadership in the pursuit of harmony and equality between cultures and races.

The Government has for many years valued and fostered the development in Ontario of a multicultural and multiracial society. The resulting racial and ethnic diversity has enriched the lives of all Ontario residents, but nonetheless is contradicted by acts of racial discrimination and by racial disadvantage.

Accordingly, the Government wishes at this time to rearticulate its policies on race relations, and to reinforce its long-standing commitment to the creation of a society characterized by equality of treatment and opportunity.

Therefore, the Government reconfirms and declares:

I RACISM IN ANY FORM IS NOT TOLERATED IN ONTARIO.

II EVERY PERSON IN ONTARIO HAS THE RIGHT TO AN EQUAL OPPORTUNITY TO ENJOY LIFE, WORK AND LEISURE IN THIS PROVINCE WITHOUT BEING AFFECTED BY RACIAL DISCRIMINATION OR RACIAL PREJUDICE.

III DOCTRINES OF RACIAL SUPERIORITY BEING SCIENTIFICALLY FALSE AND MORALLY REPREHENSIBLE, HAVE NO PLACE IN ONTARIO.

IV THE GOVERNMENT WILL WORK TOWARDS THE ELIMINATION OF RACIAL PREJUDICE BY SECURING UNDERSTANDING AND RESPECT FOR THE DIGNITY OF THE HUMAN PERSON.



V ACTS OF RACIAL DISCRIMINATION WILL BE MET WITH THE EFFECTIVE ENFORCEMENT OF THE ONTARIO HUMAN RIGHTS CODE AND WITH THE DEVELOPMENT, WHENEVER NEEDED, OF NEW LEGISLATIVE INITIATIVES.

VI RACIALLY MOTIVATED OFFENCES WILL BE MET WITH THE FULL FORCE OF THE LAW TO ENSURE THE PROTECTION OF THE PERSONAL SAFETY AND DIGNITY OF ALL PERSONS IN ONTARIO.

The Government calls on every person of goodwill to work together and with the Government for a society in which equality provides the opportunity for each man, woman and child to achieve his or her maximum potential for the greater good.

William Hall
PREMIER

Ray Robinson
ATTORNEY GENERAL

R. H. Ramsey
MINISTER OF LABOUR

Closed cases according to group: 1974-75 - 1980-81:

| <u>Groups</u> | 1974-5 | 1975-6 | 1976-7 | 1977-78 | 1978-9 | 1979-80 | 1980-81 |
|-------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Black | 351 (25%) | 328 (34%) | 382 (34%) | 335 (33%) | 258 (39%) | 139 (26%) | 248 (28%) |
| South Asian | 39 (3%) | 67 (7%) | 86 (8%) | 120 (12%) | 80 (12%) | 46 (9%) | 109 (12%) |
| Southeast Asian | 29 (2%) | 21 (2%) | 22 (2%) | 17 (1%) | 18 (3%) | 6 (1%) | 13 (2%) |
| Native Canadian | 79 (5%) | 31 (3%) | 40 (4%) | 38 (3%) | 16 (2%) | 23 (4%) | 28 (3%) |
| White | 15 (1%) | 2 (1%) | 3 | | 1 | 5 (1%) | 5 |
| Total Race/Colour | 513 | 449 | 533 | 510 | 373 | 219 | 403 |
| % of Total Cases | 36% | 47% | 48% | 49% | 56% | 41% | 45% |

Race Relations Mediations

| <u>Complaint Category:</u> | <u>1978-79</u> | <u>1979-80</u> | <u>1980-81</u> |
|----------------------------|----------------|----------------|----------------|
| Black: | 66 | 39 | 63 |
| South East Asian: | 13 | 8 | 18 |
| South Asian: | 40 | 27 | 30 |
| Native Indian: | 19 | 10 | 5 |
| White: | 5 | 7 | 10 |
| Nationality: | 23 | 23 | 17 |
| Creed: | - | 13 | 8 |
| Multi-racial/ethnic | 42 | 10 | 32 |
| Total | 211 | 137 | 183 |

INTERNATIONAL CONVENTION ON
THE ELIMINATION OF ALL FORMS OF
RACIAL DISCRIMINATION

REPORT OF THE GOVERNMENT OF QUÉBEC
COVERING THE PERIOD FROM AUGUST 1979
TO JULY 1982

DECEMBER 1982

In an earlier report, Québec presented the various measures taken in the years 1976-1977-1978 to implement the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. There is no need, therefore, to repeat here the general information contained in the document on the goal and objectives of the Charter of Human Rights and Freedoms (R.S.Q. c. C-12) that has been in force since 27 June 1976, or the efforts to implement this Charter made by the Commission des droits de la personne (Québec Human Rights Commission).

On May 10, 1978, the Québec government passed a decree in which it pledged to comply with the terms of the International Convention on the Elimination of All Forms of Racial Discrimination.

This report attempts to indicate what has been done to comply with the above-mentioned Convention from 1979 to 1982, by government departments and public or governmental agencies, by non-governmental agencies pledged to defend human rights and by the Commission des droits de la personne (Québec Human Rights Commission).

PART I

GENERAL

During the period covered by this report, the Québec government took action in two important areas. First, it adopted the "Plan of Action for Cultural Communities" (Quebecers Each and Every One) announced in February 1981 and changed the Ministry of Immigration to the Ministry of Cultural Communities and Immigration. Second, the Act to Amend the Charter of Human Rights and Freedoms will be passed shortly and will include new provisions, in particular the authorization of affirmative action programs. Such programs would rectify the situations of persons belonging to groups that are the victims of discrimination in employment, in education and health services and in other services provided for the public. Included in these groups are ethnic minorities and the Native peoples of Québec.

- Demographic Composition of the Québec Population

The representation of racial and ethnic minorities in the Québec population has increased since the last census in 1971 (rising from 371,325 to 444,514 in the first five years, 1971-1976), and has also diversified with the arrival of large numbers of visible groups (Caribbeans, Africans, Asiatics, Indians and Pakistanis, Arabs, Latin Americans) between 1970 and 1980. In addition, the data of the Québec Ministry of Cultural Communities and Immigration tell us that in the years 1974-1978, Haiti was the leading source of immigration to Québec, and in 1979 held second place, immediately behind Vietnam.

As for the Native population of Québec, it consists of more than 30,000 Indians registered under the federal Indian Act and over 4,000 Inuit. Admittedly, however, these figures would have to be more than doubled if we want to include non-registered Indians, Métis, and Indians who have lost their status.

PART II

Information in relation to each of the articles in Part I (articles 2 to 7) of the Convention

Article 2

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 2, paragraph 1, of the Convention, in particular:

1. Measures taken to give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.

Under the provisions of section 54, the Charter of Human Rights and Freedoms is binding on the Crown. The term "Crown", in fact, covers the government and its departments and agencies. As a result, these bodies are bound in carrying out their day-to-day activities, when making decisions or in general exercising their discretionary powers, to comply with the Charter's provisions, among them the one that recognizes the right to non-discrimination on the basis of race, colour, and ethnic or national origin (section 10).

Thus, as an example, we can cite the legal proceedings initiated by the Commission des droits de la personne on behalf of a number of Haitian citizens against the Police Force of the Montréal Urban Community for "brutality and abuse of a discriminatory nature based on race, colour, national origin on the occasion of arrests by the police".

The public administration is also enjoined, as an employer or supplier of public services, or even as a tenant or party to a contract, not to engage in discrimination based on race, colour, and ethnic or national origin. If a case of such discrimination is brought before the Commission des droits de la personne, it would proceed as if in a dispute between individuals, moving through the various stages provided for in the statutes: investigation, conciliation, remedy at law.

2. Measures taken to give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations.

The recent demonstrations in Canada and the United States by bodies supporting racial, ethnic or religious intolerance led the Québec Commission des droits de la personne to pass the following resolution on 24 September 1981:

"The Commission des droits de la personne condemns the racial, ethnic, and religious intolerance preached by such bodies as the Ku Klux Klan and the neo-Nazi party, and calls on the government to pass measures to reinforce the provisions of the law as well as its application so as to eliminate all incitement for such discrimination and subversion."

This position statement reflects the provisions in the Charter that, at one and the same time, recognize freedom of opinion and expression and forbid all forms of discrimination, especially based on race, colour, and ethnic or national origin. Here, among others, are the considerations from which the commission worked to minimize the effect of this double recognition of rights in the Charter:

"The commission would be violating the mandate entrusted to it and putting itself at odds with the very reason for its existence if, on the one hand, it worked to achieve the ideal of equality without distinction based on race and religion, and, on the other hand, stood up for groups and associations which, basing themselves on race or creed, acted so as to do injury to the rights of others or urge others to commit such acts.

As a result, the commission considers that it is not part of its mandate to come to the defence of groups or individuals who, through the Ku Klux Klan or the neo-Nazi movement, for example, work to implant a racist ideology. It considers that this would be a betrayal of the spirit and goals of the Charter."

It is to be recalled in this connection that measures of a legislative or administrative nature are not yet in existence to prevent the formation of such racist bodies in Québec. Although the situation has never arisen, it would appear that if such a group submitted an application for incorporation indicating its racist objectives, the application would be refused on the grounds that it would constitute a breach of the public order.

3. Measures taken to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.

The Act to amend the Charter of Human Rights and Freedoms, now at the second reading stage in the Québec National Assembly, provides for a new section 52 as follows:

"No provision of any Act, even subsequent to the Charter, may derogate from sections 1 to 38, except so far as provided by those sections, unless such Act expressly states that it applies despite the Charter."

The Charter's preponderance will hold over all provisions of Québec law, whether prior or subsequent to the Charter. The innovation of such an amendment lies in its extension of this preponderance to previous laws, a significant measure in relation to the Charter's former wording. It is appropriate to note that under section 56(3) of the same Charter, the word "law" or "act" includes a regulation, decree, ordinance, or order in council made under the authority of any act.

Thus, section 10, which outlaws discrimination based on race, becomes preponderant over any prior or subsequent legislation that would be in conflict with it.

4. Measures taken to give effect to the undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.

We may also appropriately refer once again to the Act to amend the Charter of Human Rights and Freedoms, which adds two new sections to the Charter:

"10.1 No one may harass a person on the basis of any ground mentioned in section 10."

and

"18.1 No one may, in an employment application form or employment interview, require a person to give information regarding any ground mentioned in section 10 unless the information is useful for the application of section 20."

It should be noted that the grounds of race, colour and ethnic or national origin are among those listed in section 10 of the Charter.

Section 49 of the Charter of Human Rights and Freedoms allows the victim an injunction and damages suit:

"Any unlawful interference with any right or freedom recognized by this Charter entitles the victim to obtain the cessation of such interference and compensation for the moral or material prejudice resulting therefrom.

In case of unlawful and intentional interference, the tribunal may, in addition, condemn the person guilty of it to exemplary damages."

In addition, under section 85 of the Charter, the commission must make a report to the Québec Attorney General of any fact it

considers susceptible of constituting an offence contemplated in section 87.

5. Measures taken to give effect to the undertaking to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

In this connection, let us note that the new Act respecting the Ministry of Cultural Communities and Immigration, passed in June 1981, changes the title and mandate of the old immigration department, which has since become the Ministry of Cultural Communities and Immigration. Section 4 of this Act stipulates:

"The Minister is also responsible for the planning, co-ordination and implementation of government policies respecting the development of cultural communities and their full participation in Québec society. He is especially responsible for programs designed to maintain and develop original cultures and to ensure that the cultural communities exchange with and draw closer to the francophone community."

and section 3 also provides:

"The Minister shall establish and maintain adjustment services responsible for the harmonious integration of immigrants into Québec society and more particularly the francophone majority."

The Ministry's primary function has been to provide a reception and adjustment facility for foreign nationals choosing to settle in Québec. In a second phase, it has emerged as the logical channel to what has come to be called the "cultural communities".

The ethnic groups directorate of the ministry provides services to culturally based ethnic associations, to Québec and ethnic bodies attempting to assist newcomers in settling, and to government services having contact with immigrants. In this way, the ministry tries to harmonize, encourage and coordinate the whole field of activity aimed at generating better facilities for reception and adjustment and maintaining the vitality of minority cultures.

With regard to immigrants, the Québec government had launched a program to promote their integration into Québec life and society as well as the development of their own cultures. This has involved the creation of the Centres d'orientation et de formation pour immigrants (COFI - immigrant orientation and training centres) that extend adjustment possibilities to newcomers and help them develop a better approach to the job market.

At the same time, the government has launched two programs aimed at encouraging the cultural development of immigrants and Quebecers of various cultural traditions, providing opportunities for adults and children to familiarize themselves with their own languages and cultures. Currently, children of Italian, Greek, Portuguese and Spanish backgrounds are benefiting in the classroom from the program known as PELO (Programme d'étude des langues d'origine: maternal language study program). In 1979-1980, some 16,000 pupils in 850 classes received instruction in 35 languages under the Programme des langues ethniques (ethnic languages program).

In the same spirit, broadcasts in various languages of the cultural communities are now a feature of the television schedule of Radio-Québec. These offer the communities possibilities of self-expression, discussion of their problems in their own languages, and, through subtitling, making themselves known to the French-language audience.

The cultures cannot be brought together, however, without a rapprochement between the French-speaking majority and the various communities. In the fiscal year 1980-81, the Ministry of Cultural Communities and Immigration spent \$492,000 in operating assistance to Québec multi-ethnic organizations mandated especially to bring the different ethnic groups closer to what are generally called the "old-established Quebecers". These organizations exist in most parts of Québec, and serve as reception committees that have a mission to educate Quebecers and make them aware of the cultures and histories of the homelands of new immigrants who have come to settle in Québec.

Such organizations as La Maisonnée in Montréal, or La Maison internationale de la Rive-sud (South Shore International House) are fully immersed in this role of integration and rapprochement among the various communities. In addition, the Ministry of Cultural Communities and Immigration provides a substantial grant to the Mouvement québécois pour combattre le racisme (Québec Movement to Combat Racism).

The Charter of Human Rights and Freedoms contains two provisions dealing with this issue. In the chapter on "Economic and Social Rights", the Charter provides in its section 43 as follows:

"Persons belonging to ethnic minorities have a right to maintain and develop their own cultural interests with the other members of their group."

Furthermore, section 67(f) creates an obligation on the part of the Commission des droits de la personne (Québec Human Rights Commission) to co-operate with organizations dedicated to the defence of such rights. This being the case, Commission employees responsible for such co-operation spend a significant amount of their time on the cultural communities. In 1980, for instance, there were numerous meetings with the Mouvement québécois pour combattre le racisme (Québec Movement to Combat

Racism), the Association des Haïtiens (Haitian Association), the Comité Haïtien de solidarité antiraciste (Haitian Antiracism Solidarity Committee), the Centre de référence et de promotion sociale (Referral and Social Development Centre) for the Portuguese, the Spanish Information Centre.

It is to be remembered that in 1978 the Commission des droits de la personne took part in setting up La Maisonnée, an organization whose goals are to "help the immigrant populations orient themselves, adjust to and integrate with the host community, welcome immigrants and inform them about the economic and social realities by providing a permanent information, aid and counselling service to assist them in their adjustment process; give advice and guidance as needed to new immigrants in their approaches to the different government agencies and convey to them the purposes and workings of these agencies; provide the immigrant with the human assistance needed to facilitate his adjustment to his new environment; establish channels of communication between the organization and other existing services in order to promote concerted action and complementary function in dealing with immigrants". This, then, is the task assigned to La Maisonnée.

To be cited among La Maisonnée's projects with which the Commission des droits de la personne has been associated from 1979 on are the special services set up to assist the refugee contingent from South-east Asia. A commission agent acting on behalf of La Maisonnée had joined the group of 25 representatives of organizations (public, para-public, community services) who formed a concerted action body to serve the refugees. These organizations belong to a larger network of organizations working in all parts of Québec. In June 1980, the Société québécoise pour les réfugiés was also established. Its mandate was to make recommendations to the Ministry of Cultural Communities and Immigration on the use of emergency funds set aside for the relief of distressed persons throughout the world. This organization has been working on behalf of refugees outside Québec since that time.

With respect to the action that the Commission des droits de la personne intends to take in order to eliminate barriers between the races and prevent whatever tends to reinforce racial division, we must mention the striking of a committee to look into the process of "Mutual acceptance of Quebecers of all origins". This is a priority at the human rights commission. The phrase "mutual acceptance" indicates the orientation the commission wants to give this process: an attitude that is respectful, welcoming, understanding, and reciprocal. This implies that all Quebecers, whatever their racial and cultural differences may be, whether they are Natives, blacks, immigrants newly arrived in the country or of old-established roots, all have the right to respect as human beings and, further, to be dealt with on a basis of complete equality. This ideal of

justice is not easily achieved, and it is still difficult to counteract intolerance. It is to combat this state of affairs that the commission is currently working on a plan of action.

Throughout the years 1980, 1981, and 1982, a multi-disciplinary team of commission staff have been labouring to complete a document on this challenge of mutual acceptance of Quebecers of all origins. Once it is finished, this study will serve as a basis for the commission's action strategy in this area.

B. Information on the special and concrete measures taken in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms, in accordance with article 2, paragraph 2 of the Convention.

As previously mentioned, the Québec government in February of 1982 released its Plan of Action for Cultural Communities under the title, "Autant de façons d'être québécois" - the English version being, "Quebecers Each and Every One". After reviewing the situations of these communities and noting in particular their non-representation in the public service, the Plan announced some specific measures for correcting a number of inequalities: programs of information about the public service in the English-language and other non-French speaking institutions, the publication of job advertisements in various languages in the media of the cultural communities, the opportunity of taking selection examinations in English, and notices for business premises in several languages of the minimum working conditions under the law.

This Plan, then, addresses the inequalities in status that seem to be the most flagrant and fundamental, some even justifying the use of affirmative action programs aimed essentially at making the structures of government more aware of the immigrant condition, circulating government information more widely, and spurring intensive development of programs of accessibility to the French language for newcomers.

Thus, the Plan calls for vigorous action in terms of entrenching a policy of equal access to jobs in the public service in such a way as to re-establish the cultural communities' representation on a more equitable basis in proportion to their numbers, particularly in those government services that intimately affect the population.

In the area of education, the Plan asks the school systems to take greater note in history courses of the cultural pluralism of Québec society. There is emphasis on improving the quality of second-language teaching in the various public educational institutions, and the plan provides for growth in the program of instruction in original languages and cultures.

In addition, it has been noted that the members of the cultural communities were not very well informed of their rights and privileges and consequently made little use of the government services provided for them. To improve this situation, the Action Plan provides for the diversification of language skills in the communications systems of government social and health services, thus giving non-English and non-French speakers - "allophones" - easier access to the information and services available in these areas.

The lot of immigrant women on the job market is another concern, and the Plan suggests tougher controls on working conditions for these women, who are experiencing more exploitation than others.

With respect to the cultural development of Québec's various minority communities, the Action Plan envisages government involvement through additional grants, increased technical support, upgrading of the communities' facilities, and an awareness campaign for the entire Québec population about the cultural and economic contributions of minority communities.

The Action Plan, then, is a collection of highly specific measures which Québec is proposing to carry out in the very near future, and it expresses the commitment on Québec's part to acknowledge the presence of different cultural communities in Québec society.

A committee of five members has already been set up, with its members chosen from the chief cultural communities and including a representative from the public service, all appointed for three-year terms in September of 1981. The mandate of the Committee for Implementation of the Plan of Action (CIPA) will run for about six years. This is seen as an adequate time in which to carry out the main elements in the Action Plan.

In addition to the ethnic minorities' right, recognized in section 43 of the Charter quoted above, to maintain and develop their own cultural life, we may appropriately point to the amendment tabled in the National Assembly in 1982 to add a provision to the Charter that would allow for affirmative action programs. As we indicated earlier, these programs are aimed at rectifying the situations of members of groups that are victims of discrimination in terms of employment as well as in other sectors (education, health, and other public services). According to the bill, these programs will be able to be implemented on a voluntary basis following approval from the Commission des droits de la personne (Québec Human Rights Commission); it will also be possible for the commission to recommend them after an investigation, or they could be imposed by the court when proof is presented of discrimination towards a group and the commission's recommendation has not been followed.

In addition, the government undertakes to implement affirmative action programs in its departments and acquires the power to impose such programs on its other bodies.

These programs are intended to improve the situations of certain members of society, including the Native peoples and the racial and ethnic minorities that have been subject to discrimination historically and in a generalized manner. To varying degrees, for example, certain categories of jobs have been closed to persons belonging to these groups, or else very hard for these persons to obtain.

It is not enough, in moving to correct this situation, to place a ban on open and directly identifiable discrimination; systemic discrimination must also be addressed. To achieve true equality, we must first restore equality of opportunity. In other words, in order to fight discrimination, we must consider past discrimination and rectify its effects.

The point is, then, to find how the people belonging to these groups can be put in a position that makes it possible for them to root out the economic and social disadvantages they cannot avoid as members of these groups.

Article 3

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 3 of the Convention, in particular, to the condemnation of racial segregation and apartheid and to the undertaking to prevent, prohibit and eradicate all practices of this nature in territories under the jurisdiction of the reporting State.

B. Information on the status of diplomatic, economic and other relations between the reporting State and the racist régimes of southern Africa.

On May 23, 1977, the Québec National Assembly passed a motion of censure against South Africa which called for:

- the abolition of any South African law which makes it possible for citizens to be detained without charges being laid;
- the immediate release of all persons imprisoned for political reasons;
- an investigation into some 20 deaths of prisoners and the alleged cases of torture which have occurred since the early sixties.

In addition, in 1978 the Québec government banned the sale of South African wines by the Québec Liquor Board.

Moreover, the Commission des droits de la personne, to which the lawmaker has given the responsibility of promoting, by every appropriate measure, the principles enunciated in the Charter, has on numerous occasions taken a clear stand as far as the apartheid policy is concerned. We will quote a few examples.

Learning that South Africa was taking part in the Floralties International Exhibition in Montréal during the Spring 1980, the commission's president sent the Canadian Secretary of State for External Affairs, the Québec Minister of Intergovernmental Affairs, and the Mayor of the City of Montréal, a telegram of protest that was made public on 12 May 1980, reading as follows:

"Considering that the policy of apartheid practised by South Africa has already been the subject of condemnation by the United Nations as "a crime against humanity";

Knowing that such participation will only strengthen the South African regime in its course of constant violation of human rights;

Considering, in addition, that the Government of Québec has taken a firm and unequivocal position in condemning trade and other relations in certain areas with this same regime.

The Commission des droits de la personne du Québec

1. deplores and condemns South Africa's participation in the Floralties International Exhibition

2. urgently requests the organizers of this exhibition to take all necessary measures to prevent South Africa from having representation at an international event of this kind."

Moreover, the International Seminar for the American Hemisphere, with its theme "Women and apartheid", was organized by the Ligue des femmes du Québec (League of Québec Women) under the auspices of the United Nations, and held in Montréal on 9, 10 and 11 May 1980. The Commission des droits de la personne was able to take an active part in this seminar, first at the preparatory committee stage with a technical contribution to the organizing of the various events, and then through a commission policy stand that was voiced by its vice-president before the international participants and delegates. In her statement, the vice-president, condemning the policy of apartheid and racial segregation everywhere in the world, made these remarks in particular:

"The Charter that governs its operation makes it the commission's duty to cooperate with any Québec or outside organization dedicated to the promotion of human rights and freedoms. It can thus, within the bounds of its jurisdiction, support the movements and organizations fighting against apartheid, so as to have influence with the appropriate authorities for the purpose of discouraging any act that could help strengthen the South African regime."

Article 4

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 4 of the Convention, in particular:

Measures taken to give effect to the undertaking to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination; in particular:

(1) To declare an offence punishable by law all dissemination of ideas based on racial superiority and hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including financing thereof.

Québec has enacted no specific measure on the subject within its constitutional powers on the matter.

(2) To declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law.

Québec has enacted no specific measure on the subject within its constitutional powers in the matter.

(3) Not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Québec has enacted no specific legislation on the subject within its constitutional powers in the matter.

B. Information on appropriate measures taken to give effect to General Recommendation I, of 24 February 1972, by which the Committee recommended that the States parties whose legislation was deficient in respect of the implementation of article 4 to consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions conforming to the requirements of article 4(a) and (b) of the Convention.

Although the Charter of Human Rights and Freedoms does not expressly ban such racist organizations, section 87 provides that anyone who contravenes sections 10 to 19 of the Charter is guilty of an offence. Under section 10, every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race [...]. Moreover, no one may distribute, publish or publicly exhibit a notice, symbol or sign involving discrimination, or authorize anyone to do so (section 11).

These sections can be used to block the activities of racist organizations in Québec, even if Québec law does not specifically prohibit the existence of such organizations.

It should be noted that a substantial amendment will be made to the Charter shortly and will give the commission and courts better control over these organizations. It consists of the addition of the following section:

"In exercising his fundamental freedoms and rights, a person shall maintain a proper regard for the democratic values held by the citizens of Québec, and for the common well-being and public order.

In this respect, the scope of the freedoms and rights, and limits to their exercise, may be fixed by law."

Article 5

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 5 of the Convention; in particular, measures taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, descent, or national or ethnic origin, to equality before the law notably in the enjoyment of:

A. The right to equal treatment before tribunals and all other organs administering justice.

Article 18 of the Québec Civil Code provides that:

"Every human being possesses juridical personality. Whether citizen or alien, he has full enjoyment of civil rights, except as otherwise expressly provided by law."

We can equally quote section 23, paragraph 1 of the Charter of Human Rights and Freedoms, which makes this stipulation:

"Every person has a right to a full and equal, public and fair hearing by an independent and impartial tribunal, for the determination of his rights and obligations or of the merits of any charge brought against him."

B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution.

Under the Charter of Human Rights and Freedoms, "every human being has a right to life, and to personal security, inviolability and freedom" (section 1), and "every person has a right to the safeguard of his dignity, honour and reputation" (section 4). Regarding judicial rights, the same Charter holds that "every person arrested or detained must be treated with humanity and with the respect due to the human person" (section 25). "Every person confined to a house of detention while awaiting the outcome of his trial has the right to be kept apart, until final judgment, from prisoners serving sentence" (section 27). "Every person arrested or detained has a right to be promptly informed, in a language he understands, of the grounds of his arrest or detention" (section 28).

In addition, article 19 of the Civil Code provides that "no one may cause harm to the person of another without his consent or without being authorized by law to do so".

And finally, section 21 of the Police Act empowers the Québec Police Commission to "make an inquiry respecting the (provincial) Police Force or any municipal police force and as to the conduct of any member of the Police Force, municipal policeman or special constable of its own motion, or whenever a citizen requests it to do so in writing and gives it sufficient reasons to support his request".

C. Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have access to public service.

In its Plan of Action for Cultural Communities, the Québec government announced specific measures to correct these communities' under-representation in the public service (a program of information about the public service, and publication of job advertisements in various languages in the media of the cultural communities - see above page 84).

In addition, section 22 of the Charter of Human Rights and Freedoms recognizes the right of "every person legally capable and qualified ... to be a candidate and to vote at an election".

D. Other civil rights, in particular those enumerated under article 5, paragraph (d), subparagraphs (i) to (ix), of the Convention.

With respect to subparagraphs (vii) to (ix), the rights they mention are given express recognition in section 3 of the Charter of Human Rights and Freedoms, which provides as follows: "Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association".

E. Economic, social and cultural rights, in particular those enumerated under article 5, paragraph (e), subparagraphs (i) to (vi), of the Convention.

In its Chapter IV, entitled "Economic and Social Rights", the Charter of Human Rights and Freedoms recognizes the following rights as belonging to everyone:

- the right to measures of financial assistance and to social measures provided for by law, susceptible of ensuring such person an acceptable standard of living (section 45).
- the right to fair and reasonable conditions of employment (section 46).
- the right to free public education (section 40).

In addition, the same Charter acknowledges the right to equal pay for equivalent work (section 19), establishes freedom of association (section 3) and prohibits discrimination in respect of the admission, enjoyment of benefits, suspension or expulsion of a person to, of or from an association of employers or employees or any professional corporation or association of persons carrying on the same occupation (section 17).

Non-discrimination in hiring is also recognized in section 16 of the Charter.

In Québec law, programs involving health services, medical care, social security and social services are universal in accordance with the conditions laid down in the law. As a result of the cumulative effect of the Charter and the laws providing for these programs, these rights are recognized without discrimination.

F. The right to access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

The Charter of Human Rights and Freedoms provides that "no one may, through discrimination, inhibit the access of another to public transportation or a public place, such as a commercial establishment, hotel, restaurant, theatre, cinema, park, camping ground or trailer park, or his obtaining the goods and services available there" (section 15).

Article 6

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention, in particular, measures taken to assure to everyone within the jurisdiction of the reporting State effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms.

The Charter of Human Rights and Freedoms prohibits discrimination on the grounds of race, colour and ethnic or national origin in employment, housing, contracts, access to services and public places, remuneration, etc. The same Charter provides that Québec's Commission des droits de la personne has the dual responsibility of ensuring the protection of victims of rights and freedoms violations and at the same time promoting and making known the general principles of the Charter.

As far as its first role is concerned, the commission receives complaints alleging discrimination or exploitation. After looking at a case, it makes an investigation, and if the allegation is founded, tries at its own level to settle the dispute through mediation. If it fails to win acceptance for its recommendation, it then applies to the tribunal for cessation of the act and an award in damages. In addition to this, actions may be brought under the Summary Convictions Act (RSQ, c P-15). Thus, any person who commits an act of racial discrimination in contravention of sections 10 to 19 of the Charter is liable to penal proceedings. The maximum possible penalty is a \$500 fine for each offence. Under section 85 of the Charter, the commission reports any fact it considers susceptible of constituting an offence to the Attorney General of Québec. He will make the final decision to proceed, and he then gives a commission attorney the assignment of representing him before the tribunal. When the commission recommends that an action be brought, it must do so on the basis of a case that meets the test, as in any penal matter, of proof beyond all reasonable doubt, and the burden of this falls to the Attorney General's representative.

B. Measures taken to assure to everyone the right to seek from such tribunals just and adequate reparation or satisfaction for any damage as a result of such discrimination.

In addition, the victim of racial discrimination may, if he wishes, exercise personally the recourse before the tribunals, and to this end ask the commission to hand over his file (section 84).

C. Information on the practice and decisions of the Courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention.

In the course of the three years 1979-1981, the Commission des droits de la personne dealt with 376 cases involving racial discrimination, with the following spread:

1979 - 113 cases

1980 - 151 cases

1981 - 112 cases

More than any others, the areas of work, housing, goods and public services were the ones where the alleged discriminatory acts led to complaints.

Of those cases where proof of racial discrimination was able to be established, some (20 or so) were settled amicably by the commission. The few disputes settled at the commission level in 1979 are listed in the commission's annual report attached to the present document. For the years 1980 and 1981, we are sending the data that will be published shortly in those annual reports.

In the cases where those charged reject the commission's recommended settlement of the dispute, application is made to the courts. From 1979 to 1982, the commission launched seven suits in this way on behalf of victims of racial discrimination, for damages ranging from \$300 to \$100,000. The unlawful motives being race, colour, and ethnic or national origin, the suits for damages were brought by the commission for job suspension, refusal to hire, dismissal, denial of accommodation, brutality and abuse of a discriminatory nature, and refusal of access to a public place. These matters are either on the court list or awaiting judgment.

So far, three judgments have been rendered. The first arises from a suit for damages against the owner of a public bar who refused entry to a black man because he was unaccompanied. The court decision given on 20 March 1980 instructed the defendant to pay the victim the sum of \$300. The second judgment was given following an action brought because of a white woman's being refused housing on the grounds that her common-law husband was black. Last 22 September, the court sentenced the owner to pay the two victims the sum of \$400 in moral compensation. The third judgment, recently rendered by the Québec Superior Court, awarded \$500 in damages for racist remarks made by Montréal Urban Community police officers.

In addition, given the recent swell of racial tensions that has been noted in the Montréal taxi business, and because of the discussion this has generated in the Québec community, the

Commission des droits de la personne had decided to move on its own initiative and hold a public and full inquiry into race discrimination in the Montréal taxi industry, to be conducted in early 1983. The commission will be calling witnesses, and, constantly concerned with fairness, will invite all persons directly concerned to make themselves heard.

Provision will be made so that the general public, associations and groups can appear. If, following the inquiry, the allegations of racial discrimination turn out to be founded, the Commission will begin a process of mediation, and, if necessary, lawsuits.

Article 7

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 7 of the Convention.

I. Education and teaching

A. Measures taken to combat prejudices which lead to racial discrimination in the areas of education and teaching.

There are no legislative measures dealing specifically with this area; however, it is appropriate to review the policy Québec has decided on.

The Québec government's Plan of Action for Cultural Communities, unveiled in February of 1981, contains a request that school history courses take greater note of Québec society's cultural pluralism.

According to this plan, the Ministry of Education will be asked, in particular:

- to finish, in co-operation with the Commission des droits de la personne, working out the program aimed at eliminating racial prejudice in school textbooks;
- to urge the faculties of education to foster an awareness among future teachers of the presence in their classes of young people of various backgrounds;
- to make sure that practising teachers are made aware of the cultural diversity that can find expression in their classes;
- to place emphasis, as new social science programs are phased in, on awareness among secondary-school students of the respect deserved by the different cultures that are expressed in Québec society;

- to present history textbooks that stress, not only the existence of Quebecers of backgrounds other than French and British, but also their share in Québec's cultural, social and economic evolution.

In line with the Plan there is also the operation "Mes amis de partout" (My friends from everywhere), organized jointly by the Ministry of Cultural Communities and Immigration and the Ministry of Education, in January 1981, to make primary school students aware of cultural diversity.

B. Indicate whether any steps have been taken to include in school curricula and in the training of teachers and other professionals, programs and subjects to help promote human rights issues which would lead to better understanding, tolerance and friendship among nations and racial or ethnic groups.

In addition to the measures described in the preceding paragraph, the Ministry of Education, working with the Commission des droits de la personne, has put together a series of criteria for the elimination of discriminatory stereotypes in teaching materials. One of the goals of these criteria is to ensure that ethnic minorities are adequately represented in teaching materials, and that these figures have access to a variety of roles and activities illustrated in the materials, so that they can emerge as models suited to arouse positive social attitudes.

It is in this spirit that the Ministry of Education in March of 1982 issued a revised edition of the document entitled "Grille d'analyse des stéréotypes discriminatoires dans le matériel didactique imprimé" (Analytical Grid of Discriminatory Stereotypes in Printed Teaching Materials), which has been in force since October of 1981. Thus, any textbook forwarded by a publisher has to comply adequately with all criteria set forth in the grid. According to this document, there are three textbook categories: first, those requiring correction, then the ones that cannot be corrected since they must be written all over again, and finally, those that are accepted without corrections.

Every school board buying to replenish its textbook stocks must make sure that the publications involved are still on the approved list. If the publisher has reprinted the text to fill demand, he must submit his book for the approval process that now includes the analytical grid.

In addition, following representations by the Congrès national des femmes noires (National Black Women's Congress) Montréal regional committee, a group to which the Commission des droits de la personne has supplied technical and professional support, the Minister of Education made a commitment, on 25 November 1981, to make corrections in the next edition of the textbook "La Lecture sous toutes ses formes" (Reading All Ways Round). This volume, which has been widely used by third graders since 1972, was

denounced because of two chapters entitled "Un sauvetage inattendu" and "Les yeux bleus" (An Unexpected Rescue and Blue Eyes), both pieces that transmit negative images of black children by comparing them with white children. These two stories were consequently withdrawn from the book in June 1982.

II. Culture

- Give information on the role of institutions or associations working to develop national culture and traditions, to combat racial prejudices and to promote intra-cultural comprehension, tolerance and friendship among nations and racial or ethnic groups.
- Give information on the work of solidarity committees or United Nations Associations to combat racism and racial discrimination and the observance by States parties of Human Rights Days or campaigns against racism and apartheid.

Québec's general policy in this area is defined in the government's Plan of Action for Cultural Communities, which contains a particular commitment to "promote measures designed to ensure better dialogue between the culture of the majority and those of the cultural communities". The plan stresses that "such dialogue is sought for the purpose of facilitating the integration of the cultural communities into Québec life through rapprochement between the majority and the minorities".

We have indicated earlier on the role that falls in this area to the Ministry of Cultural Communities and Immigration.

The June 1981 redefinition of this department's function puts it in a position to revitalize the so-called minority cultures, numerous in Québec, giving more place to their expression, distribution, development, and general accessibility.

Under section 4 of the Act respecting the Ministry of Cultural Communities and Immigration, the Minister is also handed the responsibility of promoting the preservation of ethnic customs.

In the past, the Ministry administered and paid for various adjustment programs, in particular Opérations Vacances Loisirs (OVAL: Holiday/Recreation Operations) and Vivre au Québec (VIVAQ: Living in Québec), which had as their objectives to put in contact, using vacation periods and weekends, Quebecers of recent origin and new arrivals. In the meantime, however, the Ministry's field of activity has shifted. Thus, to better answer the needs of its clients, it has moved to share its reception and adjustment responsibilities with community organizations, many of which have sprung from the cultural communities, and to lend support to organizations taking a more specific role with certain

categories in the population, such as immigrant workers and women of the cultural communities. In this way, during the fiscal year 1980-81, the Ministry of Cultural Communities and Immigration maintained relations with more than 300 organizations belonging to some 70 cultural communities.

Beyond its assistance to service organizations welcoming immigrants and helping them adjust, the Ministry's concerted action program provides for involvement in maintaining, developing and promoting the original cultures in Québec society by offering technical and financial aid to the cultural communities and their community centres. It is stipulated in the criteria of this program that the cultural communities must themselves define their approach in the area of the preservation of their heritage, since the government acts as supporter and not as initiator.

During the last fiscal year, seven cultural communities shared \$325,000 to acquire physical facilities (community centres, vacation camps, etc.); \$100,000 was distributed among 41 organizations to launch events connected with the maintenance, development, and promotion of their original cultures.

The Group Relations Service provided direct assistance for groups devoted to organizing rapprochement activities.

Certain activities were organized within Québec by the Ministry of Cultural Communities and Immigration, in co-operation with various organizations, during the period covered by this report.

These include:

- "Femmes immigrées, à nous la parole!" (It's time we immigrant women spoke out!) conference, which was organized in co-operation with the Table de concertation des femmes immigrées (Immigrant women's concerted action group) and was attended by about 200 women, of whom some were recent arrivals and others had been in Québec longer. This first large-scale meeting was aimed at promoting better circulation of the available information and helping to bring together Québec women of all origins.
- "Coeur à Coeur" (Heart to Heart) cultural communities week, which was aimed at enabling us to meet our fellow citizens of foreign origin; to fraternize with them; to make us aware of their cultural, social and economic contributions; to exchange views and share our experiences. Additional information on this subject will be forwarded to the Secretary-General.
- Radio advertisement, with a Québec actor, entitled "Il faut le faire pour eux ... et pour nous" (We must do it

for them... and for ourselves), dealing with the integration of immigrant children into Québec society.

With respect to the activities of solidarity committees to combat racism and racial discrimination, reference can be made, for instance, to a few Québec bodies such as the Mouvement québécois pour combattre le racisme (Québec Movement to Combat Racism), the Ligue des droits et libertés (League of Rights and Freedoms), and the Association québécoise des organismes de coopération internationale (Québec Association of Organizations of International Co-operation - AQOCI)

The Mouvement québécois pour combattre le racisme is an organization founded in 1978 and partially subsidized by the Québec government. It stages conferences on themes as varied as Native claims, racism in the school system, discrimination towards refugees, racism generally in Québec, and more particularly about the area of housing, which has been the subject of a special investigation. For the fall of 1982, the organization is planning a program on anti-racist films. In addition, it issues a quarterly report and brochures of an educational nature on racism.

The Association québécoise des organismes de coopération internationale (AQOCI - Québec Association of Organizations of International Co-operation) is also active in the field of battle against racism. It was especially owing to its intervention in 1976-1977 that the Québec government passed the ban on the sale of wines coming from South Africa in the outlets of the Québec Liquor Board. This is an organization receiving substantial grants from the Québec government. In 1980, this association was at the beginning of a coalition of organizations to ban South African participation in the Floralties International Exhibition in Montréal that May.

This organization also organized a protest demonstration that occurred in Montréal during November of 1981 in opposition to South African publishers participating in the Salon du Livre (Book Fair), and succeeding by this means in raising public awareness of the problem. The AQOCI intends to continue its campaign at the next Book Fair, bringing pressure to bear on the organizers not to send an invitation to South Africa. In addition, the AQOCI gave financial support to the organizers of the Canadian Conference in Solidarity with the Liberation Struggles of the People of Southern Africa, held in Ottawa from 7 to 9 May, 1982, and put on with the co-operation of the International Committee against Apartheid, Racism and Colonialism in Southern Africa.

In its education drive, the AQOCI has published a document entitled "Douze préjugés sur le Tiers Monde" (Twelve Misconceptions about the Third World). This document analyses these misconceptions and shows that they are based on false

premises. Examples include "They are backward countries", "Third World people are lazy", or, "They have no sense of democracy," etc.

In addition to this, the AQOCI has co-ordinated, working with the Québec government and the Canadian International Development Agency, the preparation and staging of the Semaine internationale de sensibilisation et d'information sur le développement (International Week of Awareness and Information on Development) with its theme of "Le développement du Tiers Monde, ça nous concerne aussi" (Third World Development is our Business Too), which took place in the month of May 1982, in Montréal's Desjardins Complex. Its objectives were to show the Québec public the problems and efforts of Third World populations with authentic development, give information about the work of the organizations of international co-operation in the developing countries, and acquaint people with the solidarity efforts of the bodies of international co-operation in Québec. One of the days was devoted exclusively to human rights and information concerning the evolution of these rights in the countries of the Third World. The Québec government manned one of the booths, which told about projects to spur economic development in the Third World.

The Ligue des droits et libertés (League of Rights and Freedoms), with its headquarters in Montréal, is an organization involved in the fight against racial discrimination, among other things. It is a member of the International Human Rights Federation and is partly funded by the Québec government. It is active in many areas. Thus, taking the theme "Une indépendance qui nous concerne: le Zimbabwe" (An Independence that concerns us: Zimbabwe), it sent a Québec observer mission to that country under the auspices of the International Human Rights Federation. This mission's objective was to see whether the Lancaster House agreements were being observed and whether the transfer of power had been carried out democratically so as to be able to give evidence afterwards in a Québec tour on the Zimbabwe situation. On the mission's return, a report was published in May 1980. More than 18 public evening sessions, 20 or so smaller meetings, and a series of television programs were later staged around the same theme.

One may also mention the May 1980 International Congress in Montréal of the Human Rights Federation with the theme, "Break the Silence". One of the three topics tackled by this gathering had to do with the Native peoples of America. Especially studied were proposals related to Native rights. At the same time, this was an effort of education on the living conditions and claims of Natives in Québec, Canada and elsewhere. The League puts out an information bulletin on Natives, titled L'Appui (Support), three times a year.

Educational Activities of the Québec Commission des droits de la personne (Human Rights Commission)

Under the Charter of Human Rights and Freedoms, the commission is responsible for setting up an information and education program designed to foster understanding and win acceptance for the goals and provisions of the Charter, which prohibit discrimination on the grounds of race, colour, and ethnic or national origin. The commission also has the responsibility of co-operating with any Québec or outside organization dedicated to the promotion of human rights and freedoms. In view of the indisputable impact of education in altering attitudes, the commission has assigned a certain priority to the education sector. Two topics have received its special attention in the period covered by this report: one, the Native people's situation, and two, "Mutual acceptance of Quebecers of all origins".

The Commission and Native people

During 1979, in the wake of complaints from the public that a false image was being conveyed by certain newspapers and magazines specializing in the outdoors, the commission carried out an investigation of 117 articles published over the previous three years and questioning Native hunting and fishing practices. The commission was moved by an initial analysis to approach the writers with its concerns about the tenor of the reports that casted doubts on the Native people and might have vitiated the quality of relations between them and the whites. The goal in publishing this study was not only to condemn this demeaning and warped representation of the Native reality, but also to make a contribution that would upgrade the quality of discussion. The commission released the results of its investigation at a press conference held at Sept-Îles in 1980.

In addition, the commission took part in the October 1979 congress of the Société des professeurs d'histoire du Québec (Québec History Teachers Association); part of the congress was given to an examination of the Natives' place in history textbooks. This conference was especially useful as a setting for bringing out an important work entitled, "L'image de l'Amérindien dans les manuels scolaires du Québec" (The Image of the Native in Québec Textbooks), which appeared with the commission's co-operation.

Similarly, the commission played an active role in organizing a public meeting with the Attikamek and Montagnais Native groups, acting at the request of the Mouvement québécois pour combattre le racisme (Québec Movement to Combat Racism), that was held in 1980 at the University of Québec in Montréal. The purpose of this meeting was to make the general public aware of the Natives' current situation, their claims, and the challenges they had to face. One may also mention the commission's participation in the courses on Native rights given in universities and C.E.G.E.P.

(collèges d'enseignement général et professionnel: colleges of general and professional instruction).

On the issue of the hunting and fishing rights of Natives not covered by the James Bay and Northern Québec Agreement, the Québec government has agreed to commence general negotiations with the Attikamek-Montagnais Council. Following events that occurred in the summer of 1981 on the Restigouche reserve in connection with salmon fishing, the commission noted a deteriorating climate in relations between the government and the Indians and Inuit and stressed the importance of opening a genuine dialogue between the parties. The situation has improved considerably since the summer of 1981 since the government arrived at an agreement with the Micmac band at Restigouche for the 1982 fishing season; in addition, the government concluded a long-term agreement on salmon fishing with the Maria Micmac band.

The Commission and the Ethnic Groups

The commission also does a significant amount of its work with the cultural communities.

By way of example, mention must be made of the meeting of 27 June 1979 that brought together more than 70 representatives of ethnic associations, groups and media from the Montréal region to voice to the commission their expectations of Québec society. This first large-scale encounter was a chance to exchange interesting ideas on the role the commission ought to be playing in the area. Its study on mutual acceptance by Quebecers of all origins was thus swollen and the co-operative work already begun with the ethnic associations and groups continued. Agreement has been reached that racism has to be addressed at its very source by general action if we want to eliminate the misconceptions that lie behind many problems experienced by the ethnic minorities.

Similarly, in 1980, there were many meetings with such various organizations as the Association des Haïtiens (Haitian Association), the Comité haïtien de solidarité antiraciste (Haitian Antiracism Solidarity Committee), the Mouvement québécois pour combattre le racisme (Québec Movement to Combat Racism), the Centre diocésain de Hull (Hull Diocesan Centre), the Centre de référence et de promotion sociale pour les Portugais (Referral and Social Development Centre for the Portuguese), and the Centre d'information pour les espagnols (Spanish Information Centre).

Frequently asked to help teachers in planning courses on racism, the commission is also invited to give courses in various establishments. In addition to its courses for the development of positive social attitudes that are given in the C.E.G.E.P. and universities, the commission, as already mentioned, made a binder of instructional material on human rights available to teachers in the second cycle of high school at the time of the 31st

anniversary of the Universal Declaration of Human Rights on 10 December 1980. Published for the third year running, this document is designed to fit into existing programs, with an exercise on racism in current expressions that can go with a French course, and material on the difficulties of immigrant workers that could be looked at under moral sciences.

III. Information

Information on:

- A. The role of State media in the dissemination of information to combat racial prejudices which lead to racial discrimination and to inculcate better understanding of the purposes and principles of the above-mentioned instruments.
- B. The role of the mass information media, i.e., the press, radio and television, in the publicizing of human rights and disseminating information on the purposes and principles of the above-mentioned human rights instruments.

In its February 1981 Plan of Action for Cultural Communities, Québec expressed its intentions in this area, particularly that of "launching an information campaign to make the French-speaking majority aware of the contributions of the various cultural communities". This campaign will attempt to promote a better understanding of the traditions and values of the different cultural communities and to improve the quality of the newcomers' reception. It was in this context that the Ministry of Communications awarded \$160,000 in 1980-1981 in grants to non-profit media, community media, and communications projects of the cultural communities. Liaison officers from the cultural communities have been hired and are working at Communication Québec.

The Société de radio-télévision du Québec (Radio-Québec) is airing two series with respect to combating racial prejudices aimed at making the public aware of human rights. The most important of these is the Planète (Planet) series, with its purpose of acquainting Quebecers with the civilizations and histories of other peoples and so better achieve rapprochement with the various cultural communities. The other series is called Droit de parole (Speaking out); problems related to human rights are often the subject of debate on it. Various topics on racism or immigrants and their integration have been discussed. In the near future, this program will concentrate exclusively on the phenomenon of racism in Québec.

The information role of the Commission des droits de la personne

The Commission des droits de la personne must promote, by every appropriate measure, the principles enunciated in the Charter. To carry out this mandate, the commission assigns information and

co-operation officers each year to launch programs aimed at the general population or at specific publics. Within the commission there is a service responsible for communications; the latter is responsible for preparing and disseminating information documents to facilitate the public's knowledge and experience of the various principles contained in the Charter of Human Rights and Freedoms. The commission publishes a monthly bulletin, "Droits et libertés" (Rights and Freedoms) that is printed in runs of 6,000 copies. This publication, among other things, analyses the complaints lodged with the commission as well as the ways in which they have been settled. Articles published in "Droits et Libertés" are often used by the media. Since 1978, the commission has had a 16mm colour film "Vous avez le droit, les autres aussi" (You Have the Right, so do They), that runs 14 minutes. In 1980, this film was shown at various meetings in the C.E.G.E.P., universities, social clubs, etc. Some 26 groups borrowed it for screenings.

One must mention an initiative taken by Communication Québec, which borrowed the film to show it over Télécâble, thus reaching a large audience.

So that the cultural communities would be especially well informed about the contents of the various releases, the commission submitted a text on housing discrimination to the papers of ethnic communities. The release on actions launched against 12 policemen for racial discrimination was addressed to 25 ethnic groups; the release, the complete report, or else the summary of the report on affirmative action programs were sent to the ethnic press, ethnic groups, and anti-racist organizations.

As a counterpart to the commission's own efforts, the media have taken on a good part of the business of maintaining the dialogue with the public, frequently presenting information about human rights and freedoms. Each invitation made to the commission by the media has enabled the commission to present its views on numerous aspects of racial discrimination.

SASKATCHEWAN¹

1. Legislative Framework

In Canada's fifth report, the Government of Saskatchewan reported on the provisions of the new Saskatchewan Human Rights Code which was proclaimed on August 7, 1979. The Code prohibits discrimination based on race, creed, religion, nationality, ancestry and place of origin² in the areas of employment, education, housing, sale or purchase of property, public services and accommodation, contracts and membership in unions and professional associations. It also prohibits the publication or display of materials which "expose, or tend(s) to expose to hatred... any person, or class of persons... because of his or their race...". The Code is paramount legislation and is binding upon the Government of Saskatchewan.

Complaints alleging violation of The Saskatchewan Human Rights Code may be filed by any person whose rights have been contravened, by an individual or organization acting on behalf of a class of persons, or by the Saskatchewan Human Rights Commission. Investigations and conciliation services are provided by the Saskatchewan Human Rights Commission, free of charge. If a complaint cannot be resolved, the Commission may direct a Board of Inquiry to be convened by the Attorney-General and the Board of Inquiry hears and decides the matter complained of.

In the years 1979-81, approximately 25 per cent of the complaints received by the Commission have been complaints alleging race discrimination. The majority of those complaints were received from persons of Indian ancestry and the violations typically alleged are refusals of rental housing, employment opportunities and services in restaurants and hotels.

The majority of those complaints were resolved through investigation and conciliation. However, one such complaint was referred to a Board of Inquiry in 1980 and the text of the Board of Inquiry decision in this case will be forwarded to the Secretary-General of the United Nations as reference material for the members of the Committee.

While the majority of complaints of race discrimination have been received from persons of Indian ancestry, the Commission has also received complaints from blacks, persons of Ukrainian ancestry and members of other racial and ethnic minorities.

In addition to its role as a law enforcement agency, the

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1. Report submitted by the Government of Saskatchewan.
 2. These are not the only prohibited grounds of discrimination in The Saskatchewan Human Rights Code.

Saskatchewan Human Rights Commission plays a continuing role as an educator and provider of information with respect to human rights. The Commission publishes a newsletter regularly, conducts and attends community meetings and through the public media explains and comments on issues and events which are significant with respect to human rights and fundamental freedoms.

2. Government Policies and Programs

The Saskatchewan Human Rights Code is the principal provincial law which is addressed to prohibiting racial discrimination and protecting equal opportunities. In addition to this law, the Government of Saskatchewan has implemented a number of programs and policies to deal with this issue. These initiatives reflect the mixed racial and ethnic composition of Saskatchewan society.

Government policies and programs can be grouped under three major themes or sectors.

- a) Multicultural Policy and Programs
- b) Official Minority Language Policies
- c) Native Policy and Programs.

a) Multicultural Policy and Programs

The general framework for multicultural policy in the province is provided by The Saskatchewan Multicultural Act, R.S.S. 1978, c. S-31, adopted in 1974. The purposes of the Act are "to encourage multiculturalism in the province and to provide assistance to individuals and groups to increase the opportunities available to them to learn about the nature of their cultural heritage and to learn about the contributions of the cultural heritages of other multicultural groups in the province". In the Act, multiculturalism means "the preservation and development of the multicultural composition of the province and...includes the recognition of the right of every community, whose common history spans many generations, to retain its distinctive group identity, and to develop its relevant language and its traditional arts and sciences, without political or social impediment and for the mutual benefit of all citizens".

This policy is realized by the activities of government and agencies acting principally in the areas of language, education and cultural policy.

Section 180 of The Education Act (1978) and accompanying regulations makes it possible for a second language to be used as a language of instruction from Kindergarten to Grade 12 (Kindergarten, 100%, Grades 1-12, up to 50% of instructional time). This section has been used principally to expand French language instruction in the period under review (see below). In

addition, a Ukrainian-English Bilingual Program has been developed for some schools. These changes supplemented existing programs for heritage language instruction, curriculum development, exchange programs with other countries and language scholarships.

A number of language courses are available as part of regular school programming: English, French, Ukrainian, German, Latin, Greek and some native Indian languages (Cree and Saulteaux). Funding is also available from the Department of Culture and Youth for groups to establish after-school language programs. Cantonese, Gujarati, Hebrew, Hungarian, Italian, Japanese, Mandarin, Polish and Spanish, Ukrainian, French, and German, Dutch, Philipino, Urdu and Arabic are all languages taught within this framework.

In cooperation with the federal Department of the Secretary of State, the Department of Culture and Youth organized in 1981/82 heritage language training workshops for teachers of heritage languages.

Other noteworthy programs include the "English as a second language" and occupational English courses provided by the Department of Continuing Education and the Department of Education for newly arrived immigrants.

The Minister of Education is advised by a minority language advisory committee involving members from different ethnic and social groups.

In the cultural field, the Minister of Education instituted in 1979 a Minority Culture Action group to advise on the minority education policy. Two of the group's recommendations have been acted upon. A full-time multicultural Education Consultant has been hired in the Department and inter-provincial cooperation in heritage language education has been expanded.

The Department of Education also undertakes to identify and to develop print and non-print materials which are to provide a cultural supplement to linguistic programs and a source of information on other cultures for teachers and students not involved in second language programs. Some integration of the concept of multiculturalism into ongoing programs occur.

The Department of Culture and Youth is also active in sponsoring a wide range of multicultural activities. Cultural festivals and the activities of cultural groups are funded. Funding is also available for the production by individuals and groups of films, books, and television shows with multicultural themes. The Saskatchewan Multicultural Advisory Council advises the Minister of Culture and Youth on funding under The Saskatchewan Multicultural Act and on multicultural policy in general.

Saskatchewan supported constitutional reform which provided recognition of the multicultural heritage of Canadians in the Canadian Charter of Rights and Freedoms.

b) Official Minority Language Policy

A variety of measures have been developed at the level of the federal government to promote the use and development of the French language in Canada. This reflects the size and the importance of the Francophone minority in Canada.

However, the language of education, like all educational matters, falls chiefly within provincial jurisdiction. In Saskatchewan, a variety of policies and programs have been implemented by the Departments of Education and Continuing Education to enhance the status of the French language in the province and to increase and to improve French language education in the province both for francophones and for others wishing instruction in French.

French language courses may be taken as part of the normal program of studies in schools where English is the predominant language of instruction.

As well, there are two types of schools where the French language is given greater attention: designated French language schools (Type A) and immersion/bilingual schools (Type B). Type A schools instruct most courses in French only whereas Type B schools offer a greater mixture of French and English programming. Support is also provided for French language initiatives at the university level. Adult non-credit courses in conversational French are also made available.

Support services for these activities provided by the province include the development of curriculum guides for use in courses and schools, teacher training and recruitment, professional development courses and seminars and consultative services for teachers and schools administrators.

As well the province offers a number of scholarships, bursaries and other incentive programs to encourage French language teaching and study inside and outside Saskatchewan. In some cases, programs may be funded partly or wholly by the federal government but generally are administered by the province.

French language education policies were given increased prominence in September 1980 by the creation of the Official Minority Language Office. The Office consolidates the direction of French language educational policy in the Department of Education and works closely with related initiatives in the Department of Continuing Education.

Additional prominence will be gained as a result of recent constitutional reforms which guarantee French language education

to certain Saskatchewan residents where the numbers warrant. Saskatchewan supported these reforms.

c) Indian and Native Policy

i) General Policy Context

Constitutional responsibility for Indians and Lands reserved for Indians is assigned to the federal government by section 91.24 of the Constitution Act, 1867. Nevertheless, the provincial government is active in the field of Native Affairs for a variety of reasons.

The province conceptualizes its obligation to provide services and programs to Natives under these headings:

1. Constitutional Obligations: such as hunting and fishing rights and land claims entitlement related to the extinguishment of aboriginal title.
2. Obligations to Natives as Citizens: access to policies and programs equally with other citizens of the province.
3. Obligations to Natives as a Special Disadvantaged Group: development of programs to deal with the unique needs of Natives and their situation as disadvantaged group within the province.

The province's Native population can be divided into Status Indians³ on the one hand and Métis and Non-Status⁴ Indians on the other. In practice, the federal government, through the Department of Indian Affairs and Northern Development, exercises its responsibility for Indians principally towards Status Indians living on reserves, while the Department of the Secretary of State provides core funding and other financial assistance for the activities of their associations and those of Métis and Non-Status Indians. Métis and Non-Status Indians as well as off-reserve Status Indians are the principal client group for provincial policies and programs.

Official population figures are not available for 1981. Unofficial estimates place the number of Status Indians in Saskatchewan at around 52,000 and the number of Métis and Non-Status Indians at around 75,000. Altogether approximately 13 per cent of Saskatchewan's population is of Indian ancestry.

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3. Persons of Indian ancestry registered or entitled to be under the federal Indian Act.
 4. Persons of Indian ancestry not entitled to be registered under the federal Indian Act, including the Métis and Indians who have lost their status.

In the northern half of the province, the majority of the population is native and Indian. Their policy and programs were coordinated and administered by the Department of Northern Saskatchewan (established in 1972) for most of the period under review. Toward the end of the period under review, the government moved to disband the DNS and spin-off its functions to government departments and agencies serving the rest of the province.

In the southern half of the province, the development and coordination of government policies and programs for Natives and the funding of Native organizations was rationalized in 1978 by the creation of the Social Planning Secretariat. In 1980, the Treaty Indian Policy Secretariat was established to develop and to coordinate the government's relations with the province's Treaty Indians taking over this function from the Social Planning Secretariat which retained responsibility for Métis and Non-Status Indians⁵. The Treaty Indian Liaison Unit and the Treaty Indian Land Entitlement Office play an important role in regulating the province's relations with Treaty Indians in respect of reserve lands and land entitlements under treaties.

In 1982, these agencies as well as other functions associated with native policy came under the coordination of the newly created Indian and Native Affairs Branch of the Department of Intergovernmental Affairs.

ii) Constitutional Reform

In 1982, Canada's Constitution was amended and it now contains protection for aboriginal peoples⁶ rights in the country. The government of Saskatchewan played a key role in securing these reforms.

iii) Affirmative Action

In the years 1979-82, the Saskatchewan Human Rights Commission has promoted the implementation of special programs which will eliminate disadvantages and ensure equal enjoyment of employment, education, training and housing opportunities for persons of Indian ancestry as is provided for in Article 2(2) of the Convention.

In order to ensure that programs of this kind will be effective when implemented, the Commission initially developed criteria according to which it will give legal approval to such programs.

5. Saskatchewan's Treaty Indians are all Status Indians.

6. The aboriginal peoples of Canada are defined to include the Indian, Métis and Inuit peoples.

During the three years here reported on, the Commission has approved 11 affirmative action programs which address opportunities for persons of Indian ancestry.

Two of the programs are designed to train persons of Indians ancestry for full certification as teachers so that they may teach in the province's schools. While the proportion of children who are of Indian ancestry in the school population is substantial, the number of certified teachers who are of Indian ancestry is very low. Copies of decisions relating to these two programs will be forwarded to the Secretary-General as reference material for members of the Committee. The decisions provide some statistical data as requested in the Committee's General Recommendation IV adopted on 16 August 1973.

Seven of these programs are special employment programs designed to recruit, train, and employ persons of Indian ancestry in positions with Saskatchewan's Crown Corporations and other businesses. Copies of decisions relating to two of these programs (Sask Oil and The Cooperators) will be forwarded to the Secretary-General as reference materials for members of the Committee.

Another program is designed to provide apprenticeship opportunities for persons of Indian ancestry residing in the North, and the last program is designed to improve access for persons of Indian ancestry to subsidized housing which is provided through the Saskatchewan Housing Corporation.

Some are discussed below.

The Public Service Commission has, at present, a plan, pending approval by the Saskatchewan Human Rights Commission, for affirmative action in the public service on behalf of persons of native ancestry.

iv) Education

In addition to regular school programming (some of which contains an emphasis on native studies), the government makes available a wide variety of special programming geared to natives.

The most important initiative in the period under review, is the Community Schools Program established in the Department of Education in the fall 1980. This is a school-based program designed to increase the involvement of inner-city residents with their local school. Schools in areas with high native populations are a prominent part of the program. The program channels special funding to schools for central administration, special Community School Coordinators, Teaching Associates, Nutrition Programs and local curriculum development. Community School Councils allow community participation in decision-making on the program's operations. A by-product of the program appears to be improved racial relations.

The Saskatoon Native Survival School was also set up in 1980 in response to demands by native parents for facilities for native students with behavioural or learning problems. The instructional program stresses academic excellence, pride in native heritage and basic life skills. The curriculum, includes a native studies component. Elders and community resource people contribute to the learning experience.

As well some schools offer courses in native languages - Cree and Saulteaux - in addition to regular programming.

Two major initiatives in the areas of curriculum development, programming and research regarding native issues stand out from among the wide range of activity in this field. The Community Education Branch of the Department of Education was established in 1980 with particular responsibility for native studies, curriculum development, and for programming and research for native and inner-city education. Also in 1980 the Gabriel Dumont Institute of Native Studies and Research was established. The Institute is oriented to and run by Métis and Non-Status Indians and is largely provincially funded.

In the field of teacher training and education, the province has developed the Saskatchewan Urban Native Teachers Program. SUNTEP aims at increasing the number of certified native teachers in the school system. A similar program is operated by the Department of Northern Saskatchewan (see below).

The province also contributes to the Saskatchewan Indian Federated College and a five year agreement was signed in July 1981 for 50/50 federal-provincial sharing to retire existing debt and to fund approved research and development.

v) Employment Training and Placement

A number of governmental programs are available to encourage the training and placement of native employees.

The Special Programs Unit of the Saskatchewan Public Service Commission supervises the Native Employment in Government Program (implemented in 1980-81) and the Training-on-the-Job (Special Needs) Program. These programs are designed to increase native participation in the public service work force and to place natives (as well as the disabled) in the training-on-the-job situations. The Special Programs Unit also operates a candidate inventory and referral system, engages in developing sensitivity and awareness programs concerning the employment of natives and provides consultative services to the Public Service Commission about systemic barriers and issues related to affirmative action as well as other matters.

The Office of Native Career Development was established in 1980 by the Department of Continuing Education. Program staff work

with participating employers in the Crown Corporations and the private sector to identify jobs for which natives may be trained and then develop a training package to suit the job. Trainees are guaranteed full-time jobs upon completion of the training program. The ONCD is also responsible for a third-party delivered referral and placement services to natives (implemented in 1981). These programs supplement the pre-existing Non-Status Indian and Métis programs administered by the Occupational Training Division of the Department of Continuing Education. These programs provide assistance to Métis and Non-Status Indians to participate in training courses delivered via community colleges and designed to enhance employment possibilities, local community improvements and self-worth.

As well, the province administers occupational training courses provided through the Saskatchewan Indian Community College. This program is funded by the federal government. The province also provides agricultural training courses through the Saskatchewan Indian Agricultural Program to Treaty Indians involved in farming in the province.

vi) Economic Development

Development of economic opportunities for the province's natives is the object of a number of programs. These programs include the Special Agricultural and Rural Development Agreement. In operation since 1971, the Special ARDA is a federal-provincial program aimed at improving incomes and employment opportunities for Indian and Métis people living in rural areas and was renewed in 1982.

In 1980-81, the government directed that its Employment Opportunities Program be targeted towards native groups so that native projects in cities not covered by Special ARDA could be funded. The program provides financial assistance to the private sector to train and provide jobs to persons who have difficulty securing and maintaining regular employment and adequate income. Native and non-native businesses employing natives are among those eligible for assistance.

In 1981, the province established an Economic Development Foundation to provide financial assistance to Northerners, Native people and Treaty Indians off-reserve. Financial assistance would include: commercial loans, equity loans, and venture capital programs. As well, the Department of Cooperation and Cooperative Development has recently placed special emphasis on the development of a program for Native cooperative development.

Other programs include the Employment Support Program (implemented in 1973-74). This program provides persons either eligible for or receiving social assistance with employment opportunities as an alternative to social assistance payments. The program involves a high proportion of native people and projects.

The government also funds economic development fieldworkers employed by the Association of Métis and Non-Status Indians.

Through the Saskatchewan Indian Agricultural Program, the government provides agricultural extension services and various forms of capital and financial assistance to Treaty Indian farmers in Saskatchewan.

vii) Native Housing

In 1980, the Saskatchewan Housing Corporation launched a five-year plan to provide housing for Native people. Under the five-year plan Native housing is provided through three federal-provincial programs:

1. Urban Native Housing Pilot Agreement.
2. The Acquisition of Existing Housing for People of Indian Ancestry Programs.
3. Rural and Native Housing Programs.

As well the Saskatchewan Housing Corporation has the capacity to fund tenant counselling programs for areas not covered by the Urban Native Housing Pilot Agreement.

viii) Support Services

Support services include day care oriented to native children specifically. Friendship Centres operated by native organizations receive funding to provide recreation and cultural programs and to employ family workers to assist families with social and economic needs. A variety of other groups receive funding for family counselling services, child care and youth counselling and recreational programs. The Department of Social Services runs a special adoption program for children who are difficult to place. The program's major concern is with native children.

ix) Health

Health care for on-reserve Indians is a federal responsibility. Elsewhere in the province, natives are entitled to equal access to the provincially funded medical care systems. Native hospital liaison workers and para-professionals are already employed by a number of government agencies including the Department of Northern Saskatchewan and Saskatchewan Health Services Plan.

x) Human Justice

The most recent initiative (March 1982) is the Indian and Native Institutional Liaison Program. This program will provide pre-release and post-release counselling for Native inmates of correctional centres.

Established programs include the Native Courtworker Program and the Indian Probation Program. The Native Courtworker Program provides non-legal counselling to natives charged with offences under federal, provincial or municipal laws. The Indian Probation Program is a provincially funded program of probation and community correction services for on-reserve Indians and is operated by the Federation of Saskatchewan Indians.

xi) Recreation and Culture

The province contributes funds to the operation of native publications and conferences. In 1981, the province contributed \$300,000 to a "Working Together Conference" (Omamawi-Atoskewin). The intent of the conference was to broaden the spheres of interest and commitment to Indian and Native concerns beyond government and the Native organizations. The support, understanding and commitment by all people in Saskatchewan and their institutions/organizations was sought. The conference was seen as one of the means for creating public awareness and understanding of Indian and Native issues, problems, opportunities; and, of the efforts to encourage economic and social equality.

In 1982, the government contributed \$75,000 to the World Assembly of First Nations, an international gathering of indigenous peoples from around the world.

The Department of Culture and Youth administers a training program for native recreational administrators.

xii) Department of Northern Saskatchewan

In 1972, the government created the Department of Northern Saskatchewan. This department took over the planning and administration of government services and programs in the northern half of the province - in effect dividing the province in two for administrative and policy purposes.

The great majority of the residents of Northern Saskatchewan are natives and the creation of the department reflected in part the desire to provide coordinated planning of services to natives in the north. The department's responsibilities include the provision of social services, resource management, education, employment training, economic development and health care.

In the health field, the Department has implemented a Community Health Worker Training Course, intended to train northerners to provide health education in their own communities, and a Child Dental Care Program permitting native northerners to train on-the-job as dental assistants. The Department also sponsored programs to train native northerners in alcohol counselling.

In the educational field, the Department has developed curricula

materials with a northern and local emphasis unavailable from commercial courses. NORTEP (Northern Teachers Education Program) is a teacher training program for northern natives similar to SUNTEP (see above). The Northern Outfitter's Training Program provides training and follow-up assistance to encourage the viability of native-owned tourist outfitting businesses.

The Department also encouraged the employment of native northerners in northern economic development projects. Two major programs in the period under review include the Key Lake Mining Surface Lease Agreement (1981) and the Flin Flon Mines Surface Lease Agreement (1982). Economic benefits to natives from the programs include training, employment and opportunities for supply of goods and services.

Other employment programs specifically emphasized training of native northerners. A training program for Resource Officers was implemented in 1981 under the Native Employment Work Study Program. The Department also provided training for Heavy Equipment Operators in the North and in conjunction with the Department of Labour carried out an Apprenticeship Training Program. The Options North Program developed to increase the work skills and employment potential of native northerners in public and private sectors continued to function over the study period and in 1981 was renamed the Native Staff Training Option.

The Department has administered the "Section 40" Rural and Native Housing Program for low income families in northern Saskatchewan. Besides supplying shelter, this program also creates employment in the north and assists employees in apprenticeship and other training programs.

The Department also employed an affirmative action coordinator to assist in the development of its personnel policy.

xiii) Grants to Native Groups

In addition to delivery of departmental and other agency programs for natives, the government contributes to core funding for the operation of central native organizations in the province who may then deliver their own programs and services to native peoples. These programs cover a wide range of cultural, economic, political and social development concerns and some have been mentioned above. Total funding figures are reproduced below. Total departmental program expenditures (excluding Department of Northern Saskatchewan expenditures) are included for comparison as are figures for the overall provincial contribution to all types of native programs.

INDIAN AND NATIVE SPECIFIC PROGRAMS

(Millions of Dollars)

| | <u>1979-80</u> | <u>1980-81</u> | <u>1981-82</u> | <u>1982-83</u> |
|--|----------------|----------------|----------------|----------------|
| Indian Grants/ Core Funding | 1.8 | 2.1 | 2.3 | 2.9 |
| Native Grants/ Core Funding | 1.6 | 1.9 | 2.1 | 2.4 |
| Other Program Funding (Departmental and Third Party) | <u>8.2</u> | <u>13.2</u> | <u>16.6</u> | <u>14.5</u> |
| Total Funding | 11.6 | 17.2 | 21.0 | 19.8 |

Source: Indian and Native Affairs Branch, Saskatchewan Inter-governmental Affairs. Totals do not include expenditures by the Department of Northern Saskatchewan.

MANITOBA

The Manitoba Human Rights Act

The principal legal provision relating to racial discrimination is The Manitoba Human Rights Act, S.M. 1974, c. H175, which is administered by the Manitoba Human Rights Commission. Both "race" and "colour" (as well as "nationality" and "ethnic or national origin") have been prohibited bases for discrimination in all of the areas of activity covered by the Act throughout the period under review.

One important development on the legislative front took place just at the end of the period under review. A number of amendments to The Human Rights Act were passed by the Manitoba Legislature in July 1982, including a substantial expansion of the "accommodation" provision of the Act. Section 3(1) of the Act was rewritten to bring all of the following areas within it: "Any accommodation, service, facility, goods, right, licence or privilege available to the public or to a section of the public." Moreover, those areas were stated explicitly (Section 3(3)) to include: "without restricting the generality of that expression, any benefit provided and any activity or undertaking carried out by Her Majesty in the right of Manitoba, the Government of Manitoba, any municipal corporation or school district in Manitoba, any university of post-secondary educational institution, any board or commission created by or subject to the laws of Manitoba, or by any of their agents or servants." While these amendments were immediately intended to make it clear that public schools fall within the ambit of the Act (a judicial decision having indicated to the contrary), they have the subsidiary effect of also extending the protections against racial and other discrimination to many other areas of the public sector which may not have been previously covered.

Statistics on Complaints under The Manitoba Human Rights Act

During the calendar years 1979, 1980 and 1981 the Manitoba Human Rights Commission received a total of 1293 complaints, 493 in 1979, 396 in 1980 and 404 in 1981. During that period the repartition of the complaints alleging discrimination on the basis of race, colour, nationality or ethnic or national origin was as follows: the percentage of complaints based on race or colour was 15.9 percent in 1979, 15.14 percent in 1980, and 19.94 percent in 1981, while the percentage of complaints based on nationality or ethnic or national origin was 4.7 percent in 1979, 6.27 percent in 1980, and 11.79 percent in 1981.

During those three years the majority of the complaints of discrimination on the basis of race, colour, ethnic or national origin were in the area of employment followed by the areas of services and housing, while the complaints of discrimination based on nationality were almost exclusively in the area of employment.

Winnipeg Mayor's Advisory Committee on Race Relations

In 1981, the City of Winnipeg established a Mayor's Advisory Committee on Race Relations. The Committee was formed to identify problems, to advise the mayor on ways to promote stronger relationships among Winnipeg's various ethnic communities and to help create goodwill and harmony among all Winnipeggers. The Committee meets to examine racial issues with groups and individuals; it develops suggestions on ways and means to prevent or resolve racial problems, and encourages educational programs aimed at eliminating discrimination; it maintains a liaison with groups sharing similar concerns; and it makes recommendations to the mayor on programs and policies that the City of Winnipeg could implement to reduce racial tension. The Committee is comprised of 17 volunteers chosen by the mayor and representing a cross-section of the Winnipeg community.

NEWFOUNDLAND

The legislation that prohibits racial discrimination is The Newfoundland Human Rights Code, RSN 1970, c. 262, as amended.

The Code prohibits discrimination, among other factors, on the basis of race, colour, ethnic or national origin, in the areas of admission to places to which the public is customarily admitted, occupancy of any commercial unit or self-contained dwelling unit, and in the area of employment, advertisements related to employment and any term or condition of employment.

The Act also prohibits the publication or display of any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate.

The Act provides for the appointment of a Human Rights Commission to administer it and to carry a number of additional functions including the conduct of educational programmes and research, advising and assisting government departments and agencies and coordinate their activities as far as these activities concerns human rights, and advising the government on suggestions, recommendations and, requests made by private organizations, groups and individuals on human rights matters.

Complaints of discrimination are reviewed by the Director of the Commission or by an inspector appointed under the Act. If the Director or the inspector is unable to affect a settlement of the matter the minister responsible for the Act may refer the matter to the Human Rights Commission or to an Ad Hoc Human Rights Commission set up for that purpose, with a view to settlement of the matter.

The Act provides for penalties for violations of its provisions, and for pay compensation for loss of employment and reinstatement of an employee in his/her employ where an employer is convicted of an offence by reason of his/her having suspended, transferred, laid off or discharged an employee contrary to its provisions.

During the period under view the Government of Newfoundland has expanded the Human Rights Commission by appointing three additional members (the commission is now composed of six members) and by providing for the appointment of an education officer to assist the Director.

The expanded Commission has put in place a plan of action designed to heighten public awareness of human rights issues. It has increased the supply of printed informational materials, started a review of present provincial human rights legislation, and commenced a series of meetings at different locations in the province. Members of the public are invited to these meetings to meet the commissioners and to make known their views on human rights matters and concerns.

PRINCE EDWARD ISLAND

The Prince Edward Island Human Rights Act, S.P.E.I. 1975, c. 42 adopted in 1975, is the only legislation pertaining to racial discrimination in Prince Edward Island. Detailed account of the Act was provided in Canada's third report submitted under the International Convention on the Elimination of All Forms of Racial Discrimination.

In coordination with the Department of Justice, the Prince Edward Island Human Rights Commission has conducted a survey relative to racial discrimination of the legislation adopted since August 1979, and has concluded that there was no indication of racial discrimination or reference to racial discrimination in any of this legislation.

TABLE 3 - Distribution of persons granted Canadian citizenship during 1980, by country of former allegiance and sex

TABLEAU 3 - Répartition des personnes ayant acquis la citoyenneté canadienne en 1980, selon le pays d'allégeance antérieure et sexe

Source: Canadian Citizenship Statistics

| COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE | TOTAL | MALE HOMMES | FEMALE FEMMES | PER CENT POUR-CENTAGE | COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE | TOTAL | MALE HOMMES | FEMALE FEMMES | PER CENT POUR-CENTAGE |
|---|---------|----------------|------------------|--------------------------|---|-------|----------------|------------------|--------------------------|
| All Countries/ Tous les pays | 118,590 | 59,110 | 59,480 | 100.0 | Haiti/Haiti | 2,554 | 1,198 | 1,356 | 2.15 |
| Afghanistan - | 23 | 17 | 6 | .02 | Honduras Rep./ | | | | |
| Albania/Albanie | 4 | 2 | 2 | - | Rép. d'Honduras | 37 | 15 | 22 | .03 |
| Algeria/Algérie | 116 | 79 | 37 | .10 | Hong Kong - | 4,645 | 2,243 | 2,402 | 3.92 |
| Angola - | 37 | 19 | 18 | .03 | Hungary/Hongrie | 483 | 223 | 260 | .41 |
| Argentina/Argentine | 494 | 259 | 235 | .42 | Iceland/Islande | 21 | 9 | 12 | .02 |
| Australia/Australie | 461 | 256 | 205 | .39 | India/Inde | 6,507 | 3,183 | 3,324 | 5.49 |
| Austria/Autriche | 210 | 109 | 101 | .18 | Indonesia/Indonésie | 179 | 94 | 85 | .15 |
| Bahamas - | 44 | 15 | 29 | .04 | Iran - | 310 | 163 | 147 | .26 |
| Bahrain - | 1 | 1 | - | - | Iraq/Irak | 226 | 148 | 78 | .19 |
| Bangladesh - | 109 | 53 | 56 | .09 | Irish Rep./ | | | | |
| Barbados/Barbade | 680 | 327 | 353 | .57 | Rép. d'Irlande | 680 | 354 | 326 | .57 |
| Belgium/Belgique | 320 | 159 | 161 | .27 | Isle of Man/ Ile de Man | 9 | 6 | 3 | - |
| Belize - | 36 | 14 | 22 | .03 | Israel - | 956 | 478 | 478 | .81 |
| Benin - | 1 | 1 | - | - | Italy/Italie | 7,784 | 3,955 | 3,829 | 6.56 |
| Bermuda/Bermudes | 57 | 20 | 37 | .05 | Ivory Coast/ Côte d'Ivoire | 2 | 2 | - | - |
| Bolivia/Bolivie | 42 | 19 | 23 | .04 | Jamaica/Jamaïque | 6,493 | 2,842 | 3,651 | 5.48 |
| Botswana - | 2 | 1 | 1 | - | Japan/Japon | 262 | 128 | 134 | .22 |
| Brazil/Bésil | 177 | 79 | 98 | .15 | Jordan/Jordanie | 144 | 83 | 61 | .12 |
| British West Indies/ Antilles Britanniques | 959 | 431 | 528 | .81 | Kenya - | 890 | 433 | 457 | .75 |
| Brunei - | 46 | 31 | 15 | .04 | Korea/Corée | 1,868 | 868 | 1,000 | 1.58 |
| Bulgaria/Bulgarie | 56 | 35 | 21 | .05 | Kuwait/Koweït | 14 | 7 | 7 | .01 |
| Burma/Birmanie | 80 | 35 | 45 | .07 | Laos - | 38 | 25 | 13 | .03 |
| Burundi - | 6 | 4 | 2 | - | La Réunion - | 1 | 1 | - | - |
| Cameroon/Cameroun | 18 | 11 | 7 | .02 | Lebanon/Liban | 5,442 | 3,244 | 2,198 | 4.59 |
| Central African Empire/Empire Central Africain | 1 | 1 | - | - | Lesotho - | 1 | - | 1 | - |
| Chad/Tchad | 2 | 2 | - | - | Liberia/Libéria | 2 | 1 | 1 | - |
| Channel Islands/Iles Anglo Normandes | 15 | 8 | 7 | .01 | Libya/Libye | 6 | 3 | 3 | - |
| Chile/Chili | 1,150 | 607 | 543 | .97 | Liechtenstein - | 2 | 1 | 1 | - |
| China/Chine | 4,400 | 1,912 | 2,488 | 3.71 | Luxembourg - | 5 | 3 | 2 | - |
| Colombia/Colombie | 463 | 241 | 222 | .39 | Macau - | 119 | 57 | 62 | .10 |
| Costa Rica - | 19 | 10 | 9 | .02 | Madagascar Rep./ | | | | |
| Cuba - | 15 | 12 | 3 | .01 | Rép. de Malgache | 24 | 9 | 15 | .02 |
| Cyprus/Chypre | 389 | 210 | 179 | .33 | Malawi - | 24 | 11 | 13 | .02 |
| Czechoslovakia/ Tchécoslovaquie | 258 | 128 | 130 | .22 | Malaysia/Malaysie | 432 | 197 | 235 | .36 |
| Democratic Kampuchea/ Démocratique Kampuchea | 72 | 32 | 40 | .06 | Mali - | 4 | 3 | 1 | - |
| Democratic Rep. of Yemen/Républic Démocratique du Yemen (Aden) | 1 | - | 1 | - | Malta/Malte | 325 | 162 | 163 | .27 |
| Denmark/Danemark | 353 | 199 | 154 | .30 | Martinique - | 12 | 3 | 9 | .01 |
| Dominican Rep./ | | | | | Mauritius/Île Maurice | 274 | 153 | 121 | .23 |
| Rép. Dominicaine | 24 | 10 | 14 | .02 | Mexico/Mexique | 460 | 224 | 236 | .39 |
| Ecuador/Équateur | 281 | 142 | 139 | .24 | Morocco/Maroc | 411 | 241 | 170 | .35 |
| Egypt/Egypte | 711 | 369 | 342 | .60 | Mozambique - | 22 | 16 | 6 | .02 |
| El Salvador - | 160 | 75 | 85 | .13 | Nepal - | 5 | 3 | 2 | - |
| Ethiopia/Ethiopie | 65 | 39 | 26 | .05 | Netherlands/Pays-Bas | 1,274 | 687 | 587 | 1.07 |
| Fiji - | 926 | 437 | 489 | .78 | Netherlands Antilles/ Antilles | | | | |
| Finland/Finlande | 290 | 136 | 154 | .24 | Néerlandaises | 18 | 6 | 12 | .02 |
| France - | 2,682 | 1,390 | 1,292 | 2.26 | New Zealand/ Nouvelle Zélande | 348 | 181 | 167 | .29 |
| Gabon - | 2 | 2 | - | - | Nicaragua - | 16 | 6 | 10 | .01 |
| Gambia/Gambie | 4 | 3 | 1 | - | Nigeria - | 150 | 113 | 37 | .13 |
| Germany/Allemagne | 2,106 | 1,057 | 1,049 | 1.78 | Norway/Norvège | 89 | 51 | 38 | .08 |
| Ghana - | 205 | 121 | 84 | .17 | Pakistan - | 1,658 | 877 | 781 | 1.40 |
| Gibraltar - | 5 | 3 | 2 | - | Panama Rep./ | | | | |
| Greece/Grèce | 2,868 | 1,457 | 1,411 | 2.42 | Rép. de Panama | 13 | 4 | 9 | .01 |
| Greenland - | 1 | - | 1 | - | Papua New Guinea/ Nouvelle Guinée | 4 | 2 | 2 | - |
| Grenada/Grenade | 317 | 138 | 179 | .27 | Paraguay - | 98 | 52 | 46 | .08 |
| Guadeloupe - | 5 | 1 | 4 | - | Peru/Pérou | 271 | 141 | 130 | .23 |
| Guatemala - | 130 | 60 | 70 | .11 | Philippines - | 5,434 | 2,518 | 2,916 | 4.58 |
| Guinea Rep./ Rép. de Guinée | 4 | 1 | 3 | - | Poland/Pologne | 1,122 | 500 | 622 | .95 |
| Guyana/Guyanne | 2,880 | 1,352 | 1,528 | 2.43 | Portugal - | 5,745 | 2,914 | 2,831 | 4.84 |
| | | | | | Romania/Roumanie | 449 | 244 | 205 | .38 |
| | | | | | Rwanda - | 13 | 8 | 5 | .01 |
| | | | | | Samoa - | 1 | - | 1 | - |
| | | | | | Senegal/Sénégal | 13 | 12 | 1 | .01 |
| | | | | | St-Helena - | 1 | - | 1 | - |
| | | | | | Seychelles - | 6 | 3 | 3 | - |
| | | | | | Sierra Leone - | 18 | 9 | 9 | .02 |

FOOTNOTE - NOTE (a) "Union of South Africa" is listed under "South Africa". - "L'Union de l'Afrique du Sud" est catalogué sous "Afrique du Sud".

TABLE 3 - Distribution of persons granted Canadian citizenship during 1980, by country of former allegiance and sex

TABLEAU 3 - Répartition des personnes ayant acquis la citoyenneté canadienne en 1980, selon le pays d'allégeance antérieure et sexe

| COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE | TOTAL | MALE HOMMES | FEMALE FEMMES | PER CENT POUR-CENTAGE | COUNTRY OF FORMER ALLEGIANCE PAYS D'ALLEGANCE ANTERIEURE | TOTAL | MALE HOMMES | FEMALE FEMMES | PER CENT POUR-CENTAGE |
|---|--------|----------------|------------------|--------------------------|---|-------|----------------|------------------|--------------------------|
| Singapore/Singapour | 260 | 132 | 128 | .22 | | | | | |
| Somalia/Somalie | 7 | 6 | 1 | - | | | | | |
| South Africa/ Afrique du Sud | 1,113 | 589 | 524 | .94 | | | | | |
| Spain/Espagne | 472 | 268 | 204 | .40 | | | | | |
| Sri Lanka - | 240 | 124 | 116 | .20 | | | | | |
| Sudan/Soudan | 16 | 13 | 3 | .01 | | | | | |
| Surinam - | 4 | 2 | 2 | - | | | | | |
| Swaziland - | 3 | 2 | 1 | - | | | | | |
| Sweden/Suède | 131 | 71 | 60 | .11 | | | | | |
| Switzerland/Suisse | 752 | 416 | 336 | .63 | | | | | |
| Syria/Syrie | 510 | 278 | 232 | .43 | | | | | |
| Taiwan/T'ai-Wan | 418 | 196 | 222 | .35 | | | | | |
| Tanzania/Tanzanie | 1,255 | 621 | 634 | 1.06 | | | | | |
| Thailand/Thaïlande | 45 | 21 | 24 | .04 | | | | | |
| Togo - | 6 | 4 | 2 | - | | | | | |
| Tonga - | 1 | 1 | - | - | | | | | |
| Trinidad & Tobago/ Trinité & Tobago | 1,602 | 711 | 891 | 1.35 | | | | | |
| Tunisia/Tunisie | 119 | 89 | 30 | .10 | | | | | |
| Turkey/Turquie | 442 | 230 | 212 | .37 | | | | | |
| Uganda/Ouganda | 384 | 194 | 190 | .32 | | | | | |
| Ukraine - | 46 | 20 | 26 | .04 | | | | | |
| United Kingdom/ Royaume-Uni | 19,770 | 9,758 | 10,012 | 16.67 | | | | | |
| United States of America/Etats Unis d'Amérique | 3,182 | 1,805 | 1,377 | 2.68 | | | | | |
| Uppervolta/ Haute-Volta | 2 | 2 | - | - | | | | | |
| Uruguay - | 348 | 169 | 179 | .29 | | | | | |
| U.S.S.R./U.R.S.S. | 932 | 449 | 483 | .79 | | | | | |
| Venezuela - | 89 | 49 | 40 | .08 | | | | | |
| Vietnam/Viet Nam | 684 | 361 | 323 | .58 | | | | | |
| Western Samoa/ Samoa Occidentales | 1 | 1 | - | - | | | | | |
| Yemen Arab Rep. San'a/Rép. Arabe du Yemen | 1 | 1 | - | - | | | | | |
| Yugoslavia/ Yougoslavie | 2,417 | 1,203 | 1,214 | 2.04 | | | | | |
| Zaire - | 32 | 19 | 13 | .03 | | | | | |
| Zambia/Zambie | 42 | 20 | 22 | .04 | | | | | |
| Zimbabwe - | 67 | 36 | 31 | .06 | | | | | |

FOOTNOTE - NOTE (b) "Ukraine" is listed separately from the "U.S.S.R." and is not included in the "U.S.S.R." figures.
- "L'Ukraine" est catalogué séparément de "l'U.R.S.S." et n'est pas compris dans les chiffres pour "l'U.R.S.S."

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|---|--------|----------------|------------------|--------------------------|---|-------|----------------|------------------|--------------------------|
| All Countries/ Tous les pays | 94,457 | 46,570 | 47,887 | 100.0 | GUINEA REP. (CONAKRY)/ RÉP. DE GUINÉE | 5 | 3 | 2 | - |
| AFGHANISTAN | 21 | 18 | 3 | .02 | GUYANA/GUYANNE | 2,342 | 1,113 | 1,229 | 2.48 |
| ALBANIA/ALBANIE | 14 | 8 | 6 | .01 | HAITI/HAÏTI | 2,027 | 963 | 1,064 | 2.15 |
| ALGERIA/ALGÉRIE | 84 | 63 | 21 | .09 | HONDURAS REP./ RÉP. D'HONDURAS | 20 | 8 | 12 | .02 |
| ANGOLA | 35 | 14 | 21 | .04 | HONG KONG | 3,391 | 1,562 | 1,829 | 3.59 |
| ARGENTINA/ ARGENTINE | 460 | 237 | 223 | .49 | HUNGARY/HONGRIE | 442 | 227 | 215 | .47 |
| AUSTRALIA/ AUSTRALIE | 269 | 140 | 129 | .28 | ICELAND/ISLANDE | 16 | 6 | 10 | .02 |
| AUSTRIA/AUTRICHE | 191 | 95 | 96 | .20 | INDIA/INDE | 5,412 | 2,541 | 2,871 | 5.73 |
| BAHAMAS | 35 | 21 | 14 | .04 | INDONESIA/INDONÉSIE | 163 | 82 | 81 | .17 |
| BAHRAIN | 2 | - | 2 | - | IRAN | 348 | 197 | 151 | .37 |
| BANGLADESH | 83 | 39 | 44 | .09 | IRAQ/IRAK | 177 | 104 | 73 | .19 |
| BARBADOS/BARBADE | 541 | 256 | 285 | .57 | IRISH REP./ RÉP. D'IRLANDE | 604 | 311 | 293 | .64 |
| BELGIUM/BELGIQUE | 251 | 126 | 125 | .27 | ISLE OF MAN | 5 | 3 | 2 | - |
| BELIZE | 44 | 19 | 25 | .05 | ISRAEL | 713 | 380 | 333 | .75 |
| BENIN | 3 | 3 | - | - | ITALY/ITALIE | 6,184 | 3,185 | 2,999 | 6.55 |
| BERMUDA/BERMUES | 69 | 42 | 27 | .07 | IVORY COAST/ CÔTE D'IVOIRE | 10 | 10 | - | .01 |
| BOLIVIA/BOLIVIE | 24 | 9 | 15 | .03 | JAMAICA/JAMAÏQUE | 4,978 | 2,302 | 2,676 | 5.27 |
| BOTSWANA | 1 | - | 1 | - | JAPAN/JAPON | 238 | 125 | 115 | .25 |
| BRAZIL/BRÉSIL | 199 | 100 | 99 | .21 | JORDAN/JORDANIE | 104 | 59 | 45 | .11 |
| BRITISH WEST INDIES/ ANTILLES BRITANNIQUES | 539 | 243 | 296 | .57 | KENYA | 628 | 314 | 314 | .66 |
| BRUNEI | 27 | 11 | 16 | .03 | KOREA/CORÉE | 1,234 | 565 | 669 | 1.31 |
| BULGARIA/BULGARIE | 37 | 22 | 15 | .04 | KUWAIT/KOWEÏT | 6 | 2 | 4 | - |
| BURMA/BIRMANIE | 77 | 34 | 43 | .08 | LAOS | 83 | 47 | 36 | .09 |
| BURUNDI | 11 | 6 | 5 | .01 | LEBANON/LIBAN | 1,709 | 977 | 732 | 1.81 |
| CAMEROON/CAMEROUN | 7 | 3 | 4 | - | LESOTHO | 1 | - | 1 | - |
| CHANNEL ISLANDS/ ILES ANGLO NORMANDES | 13 | 6 | 7 | .01 | LIBERIA | 5 | 3 | 2 | - |
| CHILE/CHILI | 1,338 | 696 | 642 | 1.42 | LUXEMBOURG | 4 | 2 | 2 | - |
| CHINA/CHINE | 3,476 | 1,506 | 1,970 | 3.68 | MACAU | 48 | 20 | 28 | .05 |
| COLOMBIA/COLOMBIE | 391 | 189 | 202 | .41 | MADAGASCAR REP./ RÉP. DE MALGACHE | 35 | 14 | 21 | .04 |
| COMMONWEALTH OF DOMINICA/ RÉP. DE LA DOMINIQUE | 21 | 8 | 13 | .02 | MALAWI - | 19 | 12 | 7 | .02 |
| CONGO REP./ RÉP. du CONGO | 1 | - | 1 | - | MALAYSIA/MALAYSIE | 478 | 231 | 247 | .5 |
| COSTA RICA | 18 | 5 | 13 | .02 | MALI | 2 | 2 | - | - |
| CUBA | 11 | 4 | 7 | .01 | MALTA/MALTE | 226 | 128 | 98 | .24 |
| CYPRUS/CYPRE | 236 | 131 | 105 | .25 | MARTINIQUE | 6 | 2 | 4 | - |
| CZECHOSLOVAKIA/ TCHÉCOSLOVAQUIE | 303 | 166 | 137 | .32 | MAURITIUS/ILE MAURICE | 204 | 95 | 109 | .22 |
| DEMOCRATIC KAMPUCHEA/ KAMPUCHEA DÉMOCRATIQUE | 53 | 28 | 25 | .06 | MEXICO/MEXIQUE | 349 | 173 | 176 | .37 |
| DENMARK/DANEMARK | 296 | 150 | 146 | .3 | MONACO | 1 | - | 1 | - |
| DOMINICAN REP./ RÉP. DOMINICAINE | 35 | 16 | 19 | .04 | MOROCCO/MAROC | 301 | 159 | 142 | .32 |
| ECUADOR/ÉQUATEUR | 191 | 85 | 106 | .20 | Mozambique - | 41 | 22 | 19 | .04 |
| EGYPT/EGYPTE | 550 | 268 | 282 | .58 | NAURU | 5 | 1 | 4 | - |
| EL SALVADOR | 123 | 54 | 69 | .13 | NEPAL | 6 | 2 | 4 | - |
| ETHIOPIA/ÉTHIOPIE | 50 | 31 | 19 | .05 | NETHERLANDS/PAYS-BAS - NETHERLANDS ANTILLES/ ANTILLES NÉERLANDAISES | 1,102 | 569 | 533 | 1.17 |
| FEDERAL REPUBLIC OF GERMANY/ RÉP. D'ALLEMAGNE FÉDÉRALE | 1,744 | 874 | 870 | 1.85 | NEW ZEALAND/ NOUVELLE ZÉLANDE | 9 | 3 | 6 | - |
| FIJI | 581 | 271 | 310 | .6 | NICARAGUA | 390 | 191 | 199 | .41 |
| FINLAND/FINLANDE | 234 | 107 | 127 | .25 | NIGERIA - | 8 | 2 | 6 | - |
| FRANCE | 1,933 | 963 | 970 | 2.05 | NORWAY/NORVÈGE | 166 | 116 | 50 | .18 |
| GAMBIA/GAMBIA | 1 | - | 1 | - | PAKISTAN - | 61 | 32 | 29 | .06 |
| GERMAN DEMOCRATIC REP./ RÉP. DÉMOCRATIQUE D'ALLEMAGNE | 16 | 4 | 12 | .02 | PANAMA REP./RÉP. DE PANAMA | 1,337 | 647 | 690 | 1.42 |
| GHANA | 170 | 96 | 74 | .18 | PANAMA REP./RÉP. DE PANAMA | 18 | 7 | 11 | .02 |
| GILBRALTAR | 3 | 2 | 1 | - | PAPUA NEW GUINEA/ NOUVELLE GUINÉE | 6 | 6 | - | - |
| GREECE/GRÈCE | 2,532 | 1,188 | 1,344 | 2.68 | PARAGUAY - | 68 | 45 | 23 | .07 |
| GRENADA/GRENADE | 238 | 101 | 137 | .25 | PERU/PÉROU | 244 | 110 | 134 | .26 |
| GUADALOUPE | 4 | 3 | 1 | - | PHILIPPINES | 5,261 | 2,449 | 2,812 | 5.57 |
| GUATEMALA | 119 | 56 | 63 | .13 | POLAND/POLOGNE | 1,318 | 622 | 696 | 1.40 |
| | | | | | PORTUGAL | 3,880 | 2,050 | 1,830 | 4.11 |
| | | | | | ROMANIA/ROUMANIE | 382 | 183 | 199 | .40 |
| | | | | | RWANDA | 2 | 1 | 1 | - |
| | | | | | ST-LUCIA/STE. LUCIE | 28 | 7 | 21 | .03 |
| | | | | | ST. VINCENT | 95 | 47 | 48 | .10 |
| | | | | | SAUDI ARABIA/ ARABIE SAOUDITE | 6 | 3 | 3 | - |
| | | | | | SENEGAL/SENEGAL | 9 | 8 | 1 | - |
| | | | | | SIERRA LEONE | 11 | 7 | 4 | .01 |

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|--|--------|----------------|------------------|--------------------------|---|-------|----------------|------------------|--------------------------|
| SINGAPORE/SINGAPOUR | 183 | 81 | 102 | .19 | | | | | |
| SOMALIA/SOMALIE | 4 | 3 | 1 | — | | | | | |
| SOUTH AFRICA AFRIQUE DU SUD | 1,314 | 647 | 667 | 1.39 | | | | | |
| SPAIN/ESPAGNE | 439 | 225 | 214 | .46 | | | | | |
| SRI LANKA | 195 | 99 | 96 | .21 | | | | | |
| SUDAN | 10 | 7 | 3 | .01 | | | | | |
| SURINAM | 3 | 1 | 2 | — | | | | | |
| SWAZILAND | 1 | 1 | — | — | | | | | |
| SWEDEN/SUÈDE | 110 | 64 | 46 | .12 | | | | | |
| SWITZERLAND/SUISSE | 600 | 333 | 267 | .64 | | | | | |
| SYRIA/SYRIE | 189 | 83 | 106 | .20 | | | | | |
| TAIWAN/TAÏ-WAN | 286 | 134 | 152 | .30 | | | | | |
| TANZANIA/TANZANIE | 764 | 391 | 373 | .81 | | | | | |
| THAILAND/THAÏLANDE | 38 | 12 | 26 | .04 | | | | | |
| THE PEOPLE'S DEMOCRATIC REP. OF YEMEN (ADEN)/LA REP. POPULAIRE DU YEMEN | 4 | 3 | 1 | — | | | | | |
| TOGO | 7 | 6 | 1 | — | | | | | |
| TRINIDAD & TOBAGO | 1,305 | 560 | 745 | 1.38 | | | | | |
| TRINITE & TOBAGO | | | | | | | | | |
| TUNISIA/TUNISIE | 83 | 57 | 26 | .09 | | | | | |
| TURKEY/TURQUIE | 379 | 189 | 190 | .40 | | | | | |
| UGANDA/UGANDA | 257 | 127 | 130 | .27 | | | | | |
| UKRAINE | 55 | 30 | 25 | .06 | | | | | |
| UNITED KINGDOM ROYAUME-UNI | 16,822 | 8,425 | 8,397 | 17.81 | | | | | |
| UNITED STATES OF AMERICA ETATS-UNIS D'AMERIQUE | 2,813 | 1,552 | 1,261 | 2.98 | | | | | |
| UPPER VOLTA/HAUTE VOLTA | 3 | 3 | — | — | | | | | |
| URUGUAY | 253 | 134 | 119 | .27 | | | | | |
| U.S.S.R./U.R.S.S. | 932 | 436 | 496 | .99 | | | | | |
| VENEZUELA | 57 | 30 | 27 | .06 | | | | | |
| VIETNAM/VIET-NAM | 738 | 397 | 341 | .78 | | | | | |
| WESTERN SAMOA SAMOA OCCIDENTALES | 5 | 3 | 2 | — | | | | | |
| YEMEN ARAB REP. (SANA) REP. ARABE DU YEMEN (SANA) | 2 | 1 | 1 | — | | | | | |
| YUGOSLAVIA/YOUGOSLAVIE | 1,749 | 879 | 870 | 1.85 | | | | | |
| ZAIRE | 25 | 13 | 12 | .03 | | | | | |
| ZAMBIA/ZAMBIE | 48 | 22 | 26 | .05 | | | | | |
| ZIMBABWE | 108 | 50 | 58 | .11 | | | | | |

FOOTNOTE - NOTE (b) "Ukraine" is listed separately from the "U.S.S.R." and is not included in the "U.S.S.R." figures. - "L'Ukraine" est catalogué séparément de "l'U.R.S.S." et n'est pas compris dans les chiffres pour "l'U.R.S.S."

APPENDIX II

LIST OF DOCUMENTS SUBMITTED TO THE SECRETARY- GENERAL OF THE
UNITED NATIONS WITH THIS REPORT

1. The Constitution Act, 1982
2. Observance of Human Rights Day - December 10, 1980.
Submission from Canada.
3. Observance of Human Rights Day - December 10, 1981.
Submission from Canada.
4. Ontario Human Rights Code 1981, Statutes of Ontario, 1981
Chapter 53.
5. The Saskatchewan Multicultural Act, R.S.S. 1978, Chapter
S-31.
6. Copies of decisions referred to in the Saskatchewan Report.
7. Égalité en emploi pour les communautés culturelles - Plan
d'action (Octobre 1981 - Octobre 1982) - Ministère de la
Justice du Québec.
8. COEUR À COEUR - Informations pertinentes - Semaine des
communautés culturelles (16 - 20 novembre 1981) - Ministère
des Communautés culturelles et de l'Immigration du Québec.
9. Decisions of boards of inquiry under human rights
legislation in the following cases:

Blake vs. Loconte

Desilu and Chéry vs. Café Tropicana Inc.

Gabriel Dumont Institute Special Program Approval

Black United Front of N.S. vs. Barry Bramhill

Mrs Sylvia Fuller vs. Candur Plastics Limited

Andy Chelsea vs. Sportsman's Motels

Athabasca Tribal Council vs. Alsands et al.

Saskatchewan Power Corporation

Sucha Singh Dhillon vs. F.W. Woolworth Company Limited

Richard Gomez vs. City of Edmonton

APPENDIX III

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly
resolution 2106 A (XX) of 21 December 1965

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19.

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as

all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

- (v) The right to education and training;
- (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters.

At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or

other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(a) Signatures, ratifications and accessions under articles 17 and 18;

(b) The date of entry into force of this Convention under article 19;

(c) Communications and declarations received under articles 14, 20 and 23;

(d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION

-132-



CERD

Distr.
GENERAL

CERD/C/70
16 May 1980

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

APPENDIX IV

REVISED GENERAL GUIDELINES CONCERNING THE FORM AND CONTENTS
OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1,
OF THE CONVENTION

Adopted by the Committee at its 475th meeting
(twenty-first session) on 9 April 1980

GE.80-12336

1. In accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, each State party has undertaken to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Elimination of Racial Discrimination, a report on the legislative, judicial, administrative or other measures which it has adopted and which give effect to the provisions of the Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. Article 9, paragraph 1, also provides that the Committee may request further information from the States parties.

2. In order to assist the Committee in fulfilling the tasks entrusted to it pursuant to article 9 of the Convention and to further facilitate the task of States parties in the preparation of their reports, the Committee has decided that it would be useful to inform States parties of its wishes regarding the form and contents of their reports. Compliance with these guidelines will help to ensure that reports are presented in a uniform manner and enable the Committee and States parties to obtain a complete picture of the situation in each State as regards the implementation of the provisions of the Convention. This will also reduce the need for the Committee to request further information under article 9 and its provisional rules of procedure.

3. These general guidelines replace the previous communication (CERD/C/R.12) which was adopted by the Committee on 28 January 1970 and reproduced in documents A/8027, annex III-A and CERD/C/36.

4. It should also be noted, in this connexion, that the Committee stated in its General Recommendation II of 24 February 1972 that since all the categories of information requested from States parties refer to obligations undertaken by States parties under the Convention, the necessary information in conformity with these guidelines should be provided by all States parties without distinction, whether or not racial discrimination exists in their respective territories.

5. In selecting information for inclusion in their reports, States parties should bear in mind the definition of the term "racial discrimination" as reflected in article 1, paragraph 1, of the Convention, as well as the provisions of article 1, paragraphs 2, 3 and 4, which refer to situations not considered as racial discrimination.

6. The report should also reflect in all its parts the actual situation as regards the practical implementation of the provisions of the Convention and the progress achieved.

7. The report should be presented in two parts as follows:

PART I - GENERAL. This part should describe briefly the policy of eliminating racial discrimination in all its forms and the general legal framework within which racial discrimination as defined in article 1, paragraph 1, of the Convention is prohibited and eliminated in the reporting State, and the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life are promoted and protected.

It should also indicate whether the provisions of the Convention can be invoked before, and directly enforced by, the Courts, other tribunals or administrative authorities or whether they have to be implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.

Information should also be provided in this part in connexion with General Recommendation IV, adopted by the Committee on 16 August 1973, in which the Committee invited States parties "to endeavour to include in their reports under article 9 of the Convention relevant information on the demographic composition of the population ...".

PART II - INFORMATION IN RELATION TO EACH OF THE ARTICLES IN PART I (ARTICLES 2 TO 7) OF THE CONVENTION. This part should provide specific information in relation to articles 2 to 7, in accordance with the sequence of those articles and their respective provisions, as follows.

Article 2

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 2, paragraph 1, of the Convention, in particular:

- (1) Measures taken to give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
- (2) Measures taken to give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations;
- (3) Measures taken to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (4) Measures taken to give effect to the undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- (5) Measures taken to give effect to the undertaking to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

B. Information on the special and concrete measures taken in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms, in accordance with article 2, paragraph 2, of the Convention.

Article 3

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 3 of the Convention, in particular, to the condemnation of racial segregation and apartheid and to the undertaking to prevent, prohibit and eradicate all practices of this nature in territories under the jurisdiction of the reporting State;

B. Information on the status of diplomatic, economic and other relations between the reporting State and the racist régimes of southern Africa, as requested by the Committee in its General Recommendation III of 18 August 1972 and decision 2 (XI) of 7 April 1975.

Article 4

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 4 of the Convention, in particular:

Measures taken to give effect to the undertaking to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination; in particular: 1/

- (1) To declare an offence punishable by law all dissemination of ideas based on racial superiority and hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including financing thereof;
- (2) To declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;
- (3) Not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

B Information on appropriate measures taken to give effect to General Recommendation I, of 24 February 1972, by which the Committee recommended that the States parties whose legislation was deficient in respect of the implementation of article 4 to consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions confirming to the requirements of article 4 (a) and (b) of the Convention;

C. Information in response to decision 3 (VII) adopted by the Committee on 4 May 1973 by which the Committee requested the States parties:

- (1) To indicate what specific penal internal legislation designed to implement the provisions of article 4 (a) and (b) has been enacted in their respective countries and to transmit to the Secretary-General in one of the official languages the texts concerned, as well as such provisions of general penal law as must be taken into account when applying such specific legislation;

1/ With due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention.

- (2) Where no such specific legislation has been enacted, to inform the Committee of the manner and the extent to which the provisions of the existing penal laws, as applied by the courts effectively implement their obligations under article 4 (a) and (b), and to transmit to the Secretary-General in one of the official languages the texts of those provisions.

Article 5

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 5 of the Convention; in particular, measures taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, descent, or national or ethnic origin, to equality before the law notably in the enjoyment of:

- A. The right to equal treatment before tribunals and all other organs administering justice;
- B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;
- C. Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have access to public service;
- D. Other civil rights, in particular those enumerated under article 5, paragraph (d), subparagraphs (i) to (ix), of the Convention;
- E. Economic, social and cultural rights, in particular those enumerated under article 5, paragraph (e), subparagraphs (i) to (vi), of the Convention;
- F. The right to access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

Article 6

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention, in particular, measures taken to assure to everyone within the jurisdiction of the reporting State effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms;

B. Measures taken to assure to everyone the right to seek from such tribunals just and adequate reparation or satisfaction for any damage as a result of such discrimination;

C. Information on the practice and decisions of the Courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention.

Article 7

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 7 of the Convention and to General Recommendation V, adopted by the Committee on 13 April 1977, in particular:

Immediate and effective measures taken in the fields of teaching, education, culture and information with a view to:

- A. Combating prejudices which lead to racial discrimination;
- B. Promoting understanding, tolerance and friendship among nations and racial or ethnic groups;
- C. Propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination.

* * * *

8. The Committee requests States parties to incorporate in Part II of their reports, under the appropriate headings, the texts of the relevant laws, judicial decisions and regulations referred to therein as well as all other elements which they consider essential for the Committee's consideration of their reports. The reports should also be accompanied, if needed, by sufficient copies in one of the working languages (English, French, Russian or Spanish) of all other supplementary documentation which the reporting States may wish to have distributed to all members of the Committee in connexion with their reports.

9. On the basis of reports already submitted and those prepared and submitted according to the above guidelines, the Committee is confident that it will be enabled to develop or continue a constructive and fruitful dialogue with each State party for the purpose of the implementation of the Convention and thereby to contribute to mutual understanding and peaceful and friendly relations among nations in accordance with the Charter of the United Nations.

**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**ADDITIONAL GUIDELINES FOR THE IMPLEMENTATION OF ARTICLE 7
OF THE CONVENTION**

Adopted by the Committee at its 571st meeting
(twenty-fifth session) held on 17 March 1982

The Committee on the Elimination of Racial Discrimination,

Recalling its revised general guidelines concerning the form and contents of reports relating to article 7 of the Convention (CERD/C/70) as well as its General Recommendation V adopted on 13 April 1977,

Having considered the various proposals, particularly those submitted by UNESCO in document CERD/C/69/Add.1,

Wishes to draw the attention of the States parties to the following suggestions:

The reports should provide as much information as possible on each of the main subjects mentioned in article 7 under the following separate headings:

- (1) Education and teaching,
- (2) Culture,
- (3) Information.

Within these broad parameters, the information provided should reflect the measures taken by the States parties:

- (a) To combat prejudices which lead to racial discrimination,
- (b) To promote understanding, tolerance and friendship among nations and racial and ethnic groups.

I. Education and Teaching

This part should describe legislative and administrative measures, including some general information on the educational system, taken in the field of education and teaching to combat racial prejudices which lead to racial discrimination.

It should indicate whether any steps have been taken to include in school curricula and in the training of teachers and other professionals, programmes and subjects to help promote human rights issues which would lead to better understanding, tolerance and friendship among nations and racial or ethnic groups.

It should also provide information on whether the purposes and principles of the instruments mentioned in the Committee's general guidelines (CERD/C/70 Article 7, letter C) are included in education and teaching.

II. Culture

Information should be provided in this part of the report on the role of institutions or associations working to develop national culture and traditions, to combat racial prejudices and to promote intra-national and intra-cultural understanding, tolerance and friendship among nations and racial or ethnic groups.

Information should also be included on the work of solidarity committees or United Nations Associations to combat racism and racial discrimination and the observance by States parties of Human Rights Days or campaigns against racism and apartheid.

III. Information

This part should provide information:

(a) On the role of State media in the dissemination of information to combat racial prejudices which lead to racial discrimination and to inculcate better understanding of the purposes and principles of the above-mentioned instruments;

(b) On the role of the mass information media, i.e. the press, radio and television, in the publicizing of human rights and disseminating information on the purposes and principles of the above-mentioned human rights instruments.

AUG 13 1986

